2014 ACTS

Second Regular Session and Second Regular Technical Session of the 118th Indiana General Assembly

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ACTS 2014

Laws enacted by the

118th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2014)

VOLUME I

(P.L.1-2014 through P.L.65-2014)

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

Office of Code Revision
Legislative Services Agency

PREFACE TO 2014 ACTS

ARRANGEMENT

This edition of the Acts of Indiana includes all laws from the Second Regular Session and Second Regular Technical Session of the 118th General Assembly. The laws are arranged into two categories: first, laws of a permanent nature that amend the Indiana Code or laws that are temporary or special in nature and that do not amend the Code; and second, joint resolutions (if any).

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

PRINTING CODE

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2013 General Assembly.

Upon the recommendation of the Code Revision Commission, the Legislative Council authorized a change in the style in which bills are printed to highlight the manner in which "blind amendments" are resolved in the technical correction bill prepared by the Code Revision Commission. A "blind amendment" occurs when two or more enrolled acts amend the same section of law but fail to indicate how they are to be read together. P.L.2-2014 (SEA 24-2014), the technical correction bill prepared for the 2014 Regular Session of the General Assembly, uses an *italic typeface* to indicate that one or more words contained in a law enacted in 2013 were absent from other versions of the law enacted in the same session. P.L.2-2014 (SEA 24-2014) in 2014 resolves the differences by striking superfluous words and inserting additional words as needed to harmonize the various versions of the law.

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

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

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

PUBLIC LAW CITATION FORM

The public law citation form incorporates the year the public law was enacted as a part of the public law number. For example, Public Law 1 enacted by the 118th Second Regular Session is cited as P.L.1-2014.

CERTIFICATION

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

CASH STATEMENT

Article 10, Section 4 of the Constitution of the State of Indiana requires that an "accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly". The cash statement can be seen by clicking on "2013 Cash Statement" on the Table of Contents page.

TABLES

The Table of Citations Affected sets out each section of the Code that has been affected by legislation enacted at the Second Regular Session and Second Regular Technical Session of the 118th General Assembly. The Table of Citations Affected can be seen by clicking on "Table of Citations Affected" on the Table of Contents page.

The Bill Numbers to Public Law Numbers table provides cross-references from House and Senate bill numbers to public law numbers for the Second Regular Session and Second Regular Technical Session of the 118th General Assembly. This table can be seen by clicking on "Bill Numbers to Public Law Numbers" on the Table of Contents page.

The Public Law Numbers to Bill Numbers table provides cross-references from House and Senate public law numbers to bill numbers for the Second Regular Session and Second Regular Technical Session of the 118th General Assembly. This table can be seen by clicking on "Public Law Numbers to Bill Numbers" on the Table of Contents page.

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A subject index for the legislation enacted at the Second Regular Session and Second Regular Technical Session of the 118th General Assembly can be seen by clicking on "Index" on the Table of Contents page.

LAWS OF INDIANA

passed at the
SECOND REGULAR SESSION
118TH GENERAL ASSEMBLY

P.L.1-2014
[S.19. Approved March 13, 2014.]

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

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

SECTION 1. IC 31-39-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter applies to all records of the juvenile court except the following:

(1) Records involving an adult charged with a crime or criminal contempt of court.

(2) Records involving a pregnant minor or her physician seeking a waiver of the requirement under IC 35-1-58.5-2.5 (before its repeal) or IC 16-34-2-4 that a physician who performs an abortion on an unemancipated minor first obtain the written consent of the minor's parent or guardian.

(3) Records involving proceedings that pertain to:

(A) paternity issues;

(B) custody issues;

(C) parenting time issues; or

(D) child support issues;

concerning a child born to parents who are not married to each other.

(b) The legal records subject to this chapter include the following:

(1) Chronological case summaries.

(2) Index entries.

(3) Summonses.

(4) Warrants.

(5) Petitions.

(6) Orders.

(7) Motions.

(8) Decrees.

SECTION 2. IC 31-39-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter applies to all records of the juvenile court except the following:

(1) Records involving an adult charged with a crime or criminal contempt of court.

(2) Records involving a pregnant minor or her physician seeking a waiver of the requirement under IC 35-1-58.5-2.5 (before its repeal) or IC 16-34-2-4 that a physician who performs an abortion on an unemancipated minor first obtain the written consent of the minor's parent or guardian.

(3) Records involving proceedings that pertain to:

(A) paternity issues;

(B) custody issues;

(C) parenting time issues; or

(D) child support issues;

concerning a child born to parents who are not married to each other.

(b) The legal records subject to this chapter include the following:

(1) Chronological case summaries.

(2) Index summaries.

(3) Summonses.

(4) Warrants.

(5) Petitions.
(6) Orders.
(7) Motions.
(8) Decrees.

P.L.2-2014
[S.24. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 3-7-38.2-5, AS AMENDED BY P.L.258-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To assist in performing voter list maintenance under this chapter, the NVRA official shall submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under IC 3-7-26.3.

(b) This subsection does not require the NVRA official to request voter registration data from a state listed in this subsection if the NVRA official will be receiving voter registration data from that state under the memorandum of understanding described in subsection (d). To assist in performing voter list maintenance under this chapter, not later than December 31 of each calendar year the NVRA official shall request that the chief state election official who is responsible for the coordination of state responsibilities under NVRA in each of the following states provide a list of the registered voters in that state:

(1) Florida.
(2) Illinois.
(3) Kentucky.
(4) Michigan.

(5) Ohio.

(c) The NVRA official shall request a list of registered voters from any other state in which the NVRA official determines there is a reasonable possibility that a significant number of individuals who have registered to vote in Indiana may also be registered to vote in that state.

(d) Not later than August 1, 2013, the NVRA official shall execute a memorandum of understanding with the Kansas Secretary of State. Notwithstanding any limitation under IC 3-7-26.4 regarding the availability of certain information from the computerized list, on January 15 of each year, the NVRA official shall provide data from the statewide voter registration list without cost to the Kansas Secretary of State to permit the comparison of voter registration data in the statewide voter registration list with registration data from all other states participating in this memorandum of understanding and to identify any cases in which a voter cast a ballot in more than one (1) state during the same election. Not later than thirty (30) days following the receipt of information under this subsection indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name **of** and any other information obtained under this subsection concerning that voter. The county voter registration office shall determine whether the individual:

(1) identified in the report provided by the NVRA official under this subsection is the same individual who is a registered voter of the county;

(2) registered to vote in another state on a date following the date that voter registered in Indiana; and

(3) authorized the cancellation of any previous registration by the voter when the voter registered in another state.

(e) If the county voter registration office determines that the voter is described by subsection (d)(1) through (d)(3), the county voter registration office shall cancel the voter registration of that voter. If the county voter registration office determines that the voter is described by subsection (d)(1) and (d)(2), but has not authorized the cancellation of any previous registration, the county voter registration office shall send an address confirmation notice to the Indiana address of the voter.

SECTION 2. IC 3-7-48-7, AS AMENDED BY P.L.164-2006,

SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A voter shall be permitted to vote in a precinct upon written affirmation of the voter's residence in the precinct if:

(1) the voter produces a registration receipt indicating that the voter completed a registration ~~form~~ **application** at a license branch or voter registration agency under this article on a date within the registration period;

(2) the county voter registration office advises the precinct election board that the office:

(A) approved the application; or

(B) has no record of either approving or rejecting the application; and

(3) the voter completes a registration application ~~form~~ and provides the completed ~~form~~ **application** to the precinct election board before voting.

(b) A county election board shall provide each precinct election board with a sufficient number of the registration ~~forms~~ **applications** for the purposes described in subsection (a). The precinct election board shall attach the completed registration ~~forms~~ **applications** to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

SECTION 3. IC 3-8-2.5-2, AS AMENDED BY P.L.194-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate may be nominated for a school board office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date ~~the county voter registration office certifies~~ the petition **is certified** under ~~section 5 of~~ this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed

name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 4. IC 3-11-3-11, AS AMENDED BY P.L.271-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of

provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under ~~section 6 of this chapter;~~ **IC 3-7-29-6;** or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll list in each precinct or vote center.

SECTION 5. IC 3-11-8-10.3, AS AMENDED BY P.L.219-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the data base; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.

(8) The electronic poll list must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature

displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll list must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(17) The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll list; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll list consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by ~~IC 3-11-18.1-12(2),~~ **IC 3-11-18.1-12,** the following:

(i) A list of customers who are using or have previously used

the vendor's electronic poll list.

(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

(18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by ~~IC 3-11-18.1-12(2).~~ **IC 3-11-18.1-12.**

(21) The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(22) The electronic poll list must:

(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

SECTION 6. IC 4-33-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) This subsection applies to cities described in section 1(a)(1) through 1(a)(4) ~~or section (1)(b)~~ of this chapter. The commission may not issue a license authorizing a riverboat to dock in a city unless the legislative body of the city has approved an ordinance permitting the docking of

riverboats in the city.

(b) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the legislative body of the largest city in the county. The license must specify that the home dock of the riverboat is to be located in the largest city in the county.

(c) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is not contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

(d) This subsection applies to a county in which a historic hotel district is located. The commission may not enter into a contract under IC 4-33-6.5 for the operation of a riverboat in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

SECTION 7. IC 4-33-12-6, AS AMENDED BY P.L.229-2013, SECTION 17, AND AS AMENDED BY P.L.205-2013, SECTION 67, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar ($1) is in addition to the one dollar ($1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in subsection (k), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k), ~~*and section 7 of this chapter,*~~ sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling

excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the ~~*Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:*~~

~~*(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.*~~

~~*(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.*~~ *state general fund.*

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:

(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following amounts:

(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located; and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(i) Job creation and retention.

(ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(iii) Housing.

(iv) Workforce training.

(v) Health care.

(vi) Local planning.

(vii) Land use.

(viii) Assistance to regional economic development groups.

(ix) Other regional development issues as determined by the Indiana economic development corporation.

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

(A) Twenty-nine and thirty-three hundredths percent (29.33%)

to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).

(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).

(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used in the manner described in subdivision (1)(G).

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person:
(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents ($0.09) of the admissions tax collected by the licensed owner for each person:
(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent ($0.01) of the admissions tax collected by the licensed owner for each person:
(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person:
(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(6) Except as provided in subsection (k), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:
(A) embarking on a gambling excursion during the quarter; or
(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The

division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k), ~~*and section 7 of this chapter,*~~ sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the ~~*Indiana horse racing commission to be distributed as follows; in amounts determined by the Indiana horse racing commission; for the promotion and operation of horse racing in Indiana:*~~

~~*(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.*~~

~~*(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.*~~ *state general fund.*

(e) Money paid to a unit of local government under subsection (b), (c), or (d):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection ~~(b).~~ *(b)(1) through (b)(5).*

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through ~~(d)(7).~~ *(d)(6).*

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection

(d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). ~~*For state fiscal years beginning after June 30, 2002,*~~ The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under ~~*IC 4-33-13-5(g).*~~ *IC 4-33-13-5.*

(k) This subsection does not apply to an entity receiving money under subsection (c). ~~*For state fiscal years beginning after June 30, 2002,*~~ The treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceeds a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 8. IC 4-33-13-5, AS AMENDED BY P.L.229-2013, SECTION 21, AND AS AMENDED BY P.L.205-2013, SECTION 70, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars ($33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case

of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the state general fund.

(2) Nineteen percent (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars ($20,000,000), the amount described in this subdivision shall be paid to the state general fund.

(3) Eight percent (8%) shall be paid to the Orange County development commission established under IC 36-7-11.5.

(4) Sixteen percent (16%) shall be paid in equal amounts to each town that is located in the county in which the riverboat is located and contains a historic hotel. The following apply to taxes received by a town under this subdivision:

(A) At least twenty-five percent (25%) of the taxes must be

transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, must be transferred to the Orange County development commission established by IC 36-7-11.5-3.5.

(5) Nine percent (9%) shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Fifty-five and five-tenths percent (55.5%) shall be retained by the county in which the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand

five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

(1) exceeds a particular city's or county's base year revenue; and

(2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars ($250,000,000):

(1) Surplus lottery revenues under IC 4-30-17-3.

(2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.

(3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

(1) To each city located in the county according to the ratio the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under

IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. *Except as provided in subsection (i),* ~~*or (j),*~~ the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

~~*(i) This subsection applies only to the Indiana horse racing commission. For each state fiscal year the amount of the Indiana horse racing commission's supplemental distribution under subsection (g) must be reduced by the amount required to comply with IC 4-33-12-7(a).*~~

~~*(j)*~~ **(i)** *This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight*

million dollars ($48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars ($48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 bears to the total amount distributed under IC 4-33-12-6 to all entities receiving a supplemental distribution.

SECTION 9. IC 5-1-17.5-16, AS ADDED BY P.L.233-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The board of directors of the commission is composed of the following five (5) directors, who serve at the pleasure of the governor and must be residents of Indiana:

(1) The budget director, or the budget director's designee, who shall serve as chair of the commission.

(2) Four (4) directors appointed by the governor. The president pro tempore of the senate and the speaker of the house of representatives may each make one (1) recommendation to the governor concerning the appointment of a director under this subdivision.

(b) The commission shall be governed by the board. The directors may not be elected public officials of the state or any political subdivision. Except for the budget director, the directors first appointed continue in office for terms expiring on July 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, and until their respective successors are duly appointed and qualified.

(c) Except for the budget director, the term of any director first appointed must be designated by the governor. If a vacancy occurs on the board, the governor shall fill the vacancy by appointing a new director. The successor of each such director is appointed for a term of four (4) years, except that any person appointed to fill a vacancy is appointed to serve only for the unexpired term and until a successor is duly appointed and qualified. A director is eligible for reappointment.

(d) The directors shall hold an initial organizational meeting within thirty (30) days after the board's appointment and after public notice given by the budget director in accordance with IC 5-3-1-4. As soon as practicable after January 15 of each year, the board shall hold its annual organizational meeting. The board shall elect one (1) of the directors as vice chair and another director as secretary-treasurer to perform the duties of those offices. These officers serve from the date

of their election and until their successors are elected and qualified. Special meetings may be called by the chair or any two (2) directors of the board.

(e) Three (3) directors constitute a quorum of the ~~commission,~~ **board,** and the affirmative vote of at least three (3) directors is necessary for any official action taken by the board. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all the rights and perform all the duties of the board.

(f) Except for the budget director, the directors are entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with their duties as provided by law. Directors are not entitled to the salary per diem provided by IC 4-10-11-2.1(b) or any other compensation while performing their duties.

(g) All expenses incurred in carrying out the provisions of this chapter shall be payable solely from funds provided under this chapter or from the proceeds of bonds issued by the authority under this chapter, and no liability or obligation shall be incurred by the commission or the authority under this chapter beyond the extent to which money shall have been provided under the authority of this chapter.

(h) The board:

(1) is responsible for implementing the powers and duties of the commission under this chapter;

(2) may adopt bylaws for the regulation of the affairs of the board, the conduct of the business of the commission, and the safeguarding of the funds and property entrusted to the commission; and

(3) shall, without complying with IC 4-22-2, adopt the code of ethics specified in executive order 05-12 for its members and employees.

SECTION 10. IC 5-1-17.5-18, AS ADDED BY P.L.233-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The authority shall provide staff support for the commission and pay all expenses of the commission from funds transferred to the commission from the motorsports investment district fund established under section 30 of this chapter. In providing such staff, the authority may employ, without the approval of the attorney general or any other state officer, any accounting and technical experts,

attorneys, and other officers, employees, and agents, permanent or temporary, as may be necessary in the authority's judgment to carry out the efficient operation of the commission, including professionals who can prepare a report on the matters to be considered in making the findings of the ~~board~~ **commission** set forth in section 24 of this chapter, and the commission may fix their compensation and title. Employees of the authority employed under this section shall not be considered employees of the state.

SECTION 11. IC 5-2-10.1-10, AS AMENDED BY P.L.205-2013, SECTION 74, AND AS AMENDED BY P.L.172-2013, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A county may establish a county school safety commission.

(b) The members of the commission are as follows:

(1) The school safety specialist for each school corporation located in whole or in part in the county.

(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.

(3) The sheriff of the county or the sheriff's designee.

(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.

(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the prosecuting attorneys council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2), *as determined in the fall count of ADM in the school year ending in the current calendar year,* in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within

the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

(g) A commission shall receive the school safety plans described in ~~IC 20-26-18.2-2(c)~~ **IC 20-26-18.2-2** *for the schools and school corporations located in the county. The commission may share the school safety plans with law enforcement agencies.*

SECTION 12. IC 5-2-10.1-12, AS AMENDED BY P.L.172-2013, SECTION 5, AS AMENDED BY P.L.285-2013, SECTION 1, AND AS AMENDED BY P.L.190-2013, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and

continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education, ~~and~~ the school corporation's school safety specialist, *and, upon request, a school resource officer (as described in IC 20-26-18.2-1)* shall provide materials *and guidelines* to assist a safe school committee in developing a plan *and policy* for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, *criminal gang activity,* and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

SECTION 13. IC 5-9-4-7, AS AMENDED BY P.L.1-2005, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b) or

(c), an officeholder who elects to take the leave of absence described in section 6 of this chapter shall give written notice that the officeholder is taking a leave of absence for military service to the person or entity designated in IC 5-8-3.5-1 to receive a resignation for the office the officeholder holds.

(b) An officeholder who is:

(1) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(2) a judge of a circuit, city, ~~county,~~ probate, or superior court;

shall give the written notice required by subsection (a) to the clerk of the supreme court.

(c) An officeholder who holds a school board office shall give the written notice required by subsection (a) to the person or entity designated in IC 20-25-3, IC 20-25-4, IC 20-25-5, IC 20-23-12, IC 20-23-14, IC 20-23-15, IC 20-23-4, or IC 20-26 to receive a resignation for the office the officeholder holds.

(d) The written notice required by subsection (a) must state that the officeholder is taking a leave of absence because the officeholder:

(1) has been called for active duty in:

(A) the armed forces of the United States; or

(B) the national guard; and

(2) will be temporarily unable to perform the duties of the officeholder's office.

SECTION 14. IC 5-9-4-8, AS AMENDED BY P.L.179-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), during the officeholder's leave of absence, the officeholder's office must be filled by a temporary appointment made under:

(1) IC 3-13-4;

(2) IC 3-13-5;

(3) IC 3-13-6;

(4) IC 3-13-7;

(5) IC 3-13-8;

(6) IC 3-13-9;

(7) IC 3-13-10;

(8) IC 3-13-11;

(9) IC 20-23-4;

(10) IC 20-26;

(11) IC 20-23-12;
(12) IC 20-23-14;
(13) IC 20-23-15;
(14) IC 20-23-17;
(15) IC 20-23-17.2;
(16) IC 20-25-3;
(17) IC 20-25-4; or
(18) IC 20-25-5;

in the same manner as a vacancy created by a resignation is filled.

(b) For an officeholder who:

(1) is:

(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(B) a judge of a circuit, city, ~~county,~~ probate, or superior court; and

(2) is taking a leave of absence under this chapter;

the supreme court shall appoint a judge pro tempore to fill the officeholder's office in accordance with the court's rules and procedures.

(c) The person selected or appointed under subsection (a) or (b) serves until the earlier of:

(1) the date the officeholder's leave of absence ends as provided in section 10 of this chapter; or

(2) the officeholder's term of office expires.

(d) The person selected or appointed to an office under subsection (a) or (b):

(1) assumes all the rights and duties of; and

(2) is entitled to the compensation established for;

the office for the period of the temporary appointment.

SECTION 15. IC 5-10.2-4-8, AS AMENDED BY P.L.195-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (g), if a member who is receiving retirement benefits becomes reemployed in a position covered by this article more than thirty (30) days after the member's retirement, the member's retirement benefit payments continue.

(b) This subsection applies only to a retired member of the public employees' retirement fund who, before July 1, 2013, begins a period of reemployment in a covered position more than thirty (30) days after

the member's retirement. The member shall begin making contributions as required in IC 5-10.2-3-2, and the member's employer shall make contributions throughout the member's period of reemployment.

(c) If a member who is receiving retirement benefits is reemployed in a position covered by this article not more than thirty (30) days after the member's retirement, the member's retirement benefits shall stop, the member shall begin making contributions as required by IC 5-10.2-3-2, and employer contributions shall be made throughout the period of reemployment.

(d) This subsection applies only to a retired member of the public employees' retirement fund who, before July 1, 2013, begins a period of ~~reemloyment~~ **reemployment** in a covered position more than thirty (30) days after the member's retirement. If a retired member is reemployed in a position covered by this article, section 10 of this chapter applies to the member upon the member's retirement from reemployment.

(e) Subject to subsection (g), and except for a member described in IC 5-10.2-3-3(a)(2), the following apply to a retired member who begins a period of reemployment in a covered position more than thirty (30) days after the member's retirement:

(1) The member's retirement benefit payments continue during the member's period of reemployment without regard to the amount of the member's earnings from the covered position.

(2) The member may not make contributions under IC 5-10.2-3-2, IC 5-10.3-7-9, or IC 5-10.4-4-11 during the member's period of reemployment.

(3) The member's employer may not make contributions under IC 5-10.2-2-11, IC 5-10.3-7-9, or IC 5-10.4-4-11 for or on behalf of the member during the member's period of reemployment.

(4) The member does not earn creditable service under IC 5-10.2-3-1 for the member's period of reemployment.

(5) The member is not entitled to an additional benefit under sections 9 and 10 of this chapter for the member's period of reemployment.

(f) The thirty (30) day period provided for in this section may be implemented unless the board receives a determination from the Internal Revenue Service prohibiting the implementation.

(g) After July 31, 2009, if, on or before the date the member files an

application for retirement benefits under this article, a member has a formal or informal agreement with an employer covered by this article to become reemployed in a position covered by this article after the member's retirement, regardless of the time frame between the member's retirement and the member's reemployment, the member's application for retirement benefits is void, and the following apply to the member's continued employment:

(1) If a member has received a retirement benefit:

(A) the member's retirement benefit shall stop; and

(B) the member shall repay the amount of the retirement benefit received.

(2) The member shall make contributions as required by IC 5-10.2-3-2 throughout the period of the member's continued employment.

(3) Employer contributions shall be made throughout the period of the member's continued employment.

(4) The member shall earn creditable service under IC 5-10.2-3-1 for the member's continued employment.

(5) When the period of the member's continued employment terminates, the member may again file an application for retirement benefits under this chapter.

SECTION 16. IC 5-22-14-11, AS ADDED BY P.L.90-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The Indiana department of administration shall adopt rules under IC 4-22-2 to do the following:

(1) Increase contracting opportunities for Indiana veteran owned small businesses described in section 3.5 of this chapter with a goal to procure in each state fiscal year at least three percent (3%) ~~percent~~ of state contracts with Indiana veteran owned small businesses.

(2) Develop procurement policies and procedures to accomplish the goal described in subdivision (1), including guidelines to be followed by the Indiana department of administration in conducting the department's procurement efforts.

These procurement policies do not apply to a procurement of supplies and services to address immediate and serious government needs at a time of emergency, including a threat to the public health, welfare, or safety that may arise by reason of floods, epidemics, riots, acts of

terrorism, major power failures, a threat proclaimed by the President of the United States or the governor, or a threat declared by the commissioner of the Indiana department of administration.

(b) The Indiana department of administration shall annually evaluate its progress in meeting the goal described in this section for the previous state fiscal year. Beginning in 2014, after June 30 and before November 1 of each year, the Indiana department of administration shall submit a report to the governor, the Indiana department of veterans' affairs, the commission on military and veterans affairs, and, in an electronic format under IC 5-14-6, the legislative council. The report must include:

(1) the percentage goal obtained by the Indiana department of administration during the previous state fiscal year; and

(2) a summary of why the Indiana department of administration failed to meet the goal and what actions are being taken by the Indiana department of administration to meet the goal in the current state fiscal year.

(c) The Indiana department of administration shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted. The Indiana department of veterans' affairs shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted by the Indiana department of administration.

SECTION 17. IC 5-28-28-6, AS AMENDED BY P.L.175-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The economic incentives and compliance report required under section 5 of this chapter must include at least the following:

(1) The total ~~amount of~~ **for** each of the following:

(A) **The number and amount of** tax credits, loans, and grants contractually awarded by the corporation.

(B) **The amount of** investments made by the recipients of the tax credits, loans, and grants.

(C) **The number of** actual jobs created and the number of jobs expected through the reporting year, as reviewed by an independent auditing firm chosen by the corporation.

(D) **The amount of** recaptured incentives for the reporting

year and the total number of recipients.

(E) **The number and amount of** tax credits claimed for the reporting year, as reported by the department of state revenue to the corporation by December 31 of each year.

(2) With respect to each recipient of a tax credit, loan, or grant referred to in subdivision (1), **the following:**

(A) The name, county, and municipality (if any) of the recipient.

(B) The amount of tax credits certified to ~~each~~ **the** recipient, and the amount of grants and loans actually paid out, during the term of the agreement.

(C) The purpose of the tax credit, loan, or grant.

(D) The performance goals for the reporting year, including the following:

(i) Numbers of employees to be hired, retained, or trained.

(ii) If a financial investment by ~~a~~ **the** recipient was a condition for providing an incentive, the amount of the financial investment that the recipient expects to make in Indiana as a result of the project for which the incentive was granted.

(E) Certification by the corporation that ~~each~~ **the** recipient is complying with the terms of the incentive agreement.

SECTION 18. IC 6-1.1-8-3, AS AMENDED BY P.L.168-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (c), the following companies are subject to taxation under this chapter:

(1) Each company which is engaged in the business of transporting persons or property.

(2) Each company which is engaged in the business of selling or distributing electricity, gas, steam, or water.

(3) Each company which is engaged in the business of transmitting messages for the general public by wire or airwaves.

(4) Each company which is engaged in the business of operating a sewage system or a sewage treatment plant.

(b) The companies which are subject to taxation under this chapter include, but are not limited to:

(1) bridge companies;

(2) bus companies;

(3) express companies;
(4) light, heat, or power companies;
(5) pipeline companies;
(6) railroad companies;
(7) railroad car companies;
(8) sleeping car companies;
(9) street railway companies;
(10) telephone, telegraph, or cable companies;
(11) tunnel companies; and
(12) water distribution companies.

(c) The following ~~companies~~ **persons** are not subject to taxation under this chapter:

(1) Aviation companies.
(2) Broadcasting companies.
(3) Television companies.
(4) Water transportation companies.
(5) Companies which are operated by a municipality or a municipal corporation, except those utility companies owned or held in trust by a first class city.
(6) A taxpayer that:
(A) is described in subsection (b);
(B) owns definite situs property that is located in only one (1) taxing district; and
(C) files a personal property tax return for the definite situs property with the county assessor or (if applicable) the township assessor.

A taxpayer that meets the requirements of clauses (A) and (B) may elect to file a personal property tax return for the definite situs property with the county assessor or (if applicable) the township assessor, instead of filing a return for the definite situs property under this chapter.

(7) A taxpayer that:
(A) is participating in a net metering program under 170 IAC 4-4.2 or in a feed-in-tariff program offered by a company described in subsection (b)(4); and
(B) files a personal property tax return for the property with the county assessor or (if applicable) the township assessor.

SECTION 19. IC 6-1.1-12-37, AS AMENDED BY P.L.288-2013,

SECTION 3, AND AS AMENDED BY P.L.203-2013, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. *Except as provided in subsection (p),* the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) ~~do~~ **does** not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in

the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance shall adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on March 1 in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on March 1 in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling

and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For ~~*assessments*~~ *assessment* dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

(A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or

(B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and

(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and

(B) cancels the deduction described in clause (A) for that property.

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this

subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.

~~*(p)*~~ **(q)** *This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.*

~~*(q)*~~ **(r)** *This subsection:*

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection ~~*(p).*~~ **(q).**

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

SECTION 20. IC 6-1.1-18-12, AS AMENDED BY P.L.218-2013, SECTION 4, AND AS AMENDED BY P.L.257-2013, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection

(e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted each year to account for the change in assessed value of real property that results from:

(1) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

(2) a general reassessment of real property under IC 6-1.1-4-4; or

(3) a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;
(2) IC 8-22-3-11;
(3) IC 8-22-3-25;
(4) IC 12-29-1-1;
(5) IC 12-29-1-2;
(6) IC 12-29-1-3;
(7) IC 12-29-3-6;
(8) IC 13-21-3-12;
(9) IC 13-21-3-15;
(10) IC 14-27-6-30;
(11) IC 14-33-7-3;
(12) IC 14-33-21-5;
(13) IC 15-14-7-4;
(14) IC 15-14-9-1;
(15) IC 15-14-9-2;
(16) IC 16-20-2-18;
(17) IC 16-20-4-27;
(18) IC 16-20-7-2;
(19) IC 16-22-14;
(20) IC 16-23-1-29;
(21) IC 16-23-3-6;
(22) IC 16-23-4-2;
(23) IC 16-23-5-6;
(24) IC 16-23-7-2;
(25) IC 16-23-8-2;
(26) IC 16-23-9-2;
(27) IC 16-41-15-5;
(28) IC 16-41-33-4;

(29) IC 20-46-2-3 (before its repeal on January 1, 2009);
(30) IC 20-46-6-5;
(31) IC 20-49-2-10;
(32) IC 36-1-19-1;
(33) IC 23-14-66-2;
(34) IC 23-14-67-3;
(35) IC 36-7-13-4;
(36) IC 36-7-14-28;
(37) IC 36-7-15.1-16;
(38) IC 36-8-19-8.5;
(39) IC 36-9-6.1-2;
(40) IC 36-9-17.5-4;
(41) IC 36-9-27-73;
(42) IC 36-9-29-31;
(43) IC 36-9-29.1-15;
(44) IC 36-10-6-2;
(45) IC 36-10-7-7;
(46) IC 36-10-7-8;
(47) IC 36-10-7.5-19;
(48) IC 36-10-13-5;
(49) IC 36-10-13-7;
(50) IC 36-10-14-4;
(51) IC 36-12-7-7;
(52) IC 36-12-7-8;
(53) IC 36-12-12-10;
(54) a statute listed in IC 6-1.1-18.5-9.8; and
(55) any statute enacted after December 31, 2003, that:
(A) establishes a maximum rate for any part of the:
(i) property taxes; or
(ii) special benefits taxes;
imposed by a political subdivision; and
(B) does not exempt the maximum rate from the adjustment under this section.

(e) For property tax rates imposed for property taxes first due and payable after December 31, ~~*2012,*~~ *2013,* the new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP EIGHT of the following STEPS:

STEP ONE: Except as provided in subsection (g), determine the

maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the *previous calendar* year. ~~*preceding the year in which the annual adjustment or the reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*~~

STEP TWO: Determine the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value ~~*(before the adjustment, if any, under IC 6-1.1-4-4.5)*~~ of the taxable property from the *previous calendar* year ~~*preceding the year the annual adjustment or the reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect*~~ *to the year* ~~*that the annual adjustment or the reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2 takes effect.*~~ *in which the affected property taxes will be imposed.*

STEP THREE: Determine the three (3) calendar years that immediately precede the ~~*ensuing calendar year and in which a statewide general reassessment of real property under IC 6-1.1-4-4 does not first take effect.*~~ *year in which the affected property taxes will be imposed.*

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage change (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The STEP FIVE result.

STEP SEVEN: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP SIX percentage, **if any.**

STEP EIGHT: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SEVEN percentage, **if any.**

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute

listed in subsection (d).

(g) This subsection applies only when calculating the maximum rate for taxes due and payable in calendar year 2013. The STEP ONE result is the greater of the following:

(1) The actual maximum rate established for property taxes first due and payable in calendar year 2012.

(2) The maximum rate that would have been established for property taxes first due and payable in calendar year 2012 if the maximum rate had been established under the formula under this section, as amended in the 2012 session of the general assembly.

(h) This subsection applies only when calculating the maximum rate allowed under subsection (e) for the Vincennes Community School Corporation with respect to property taxes first due and payable in 2014. The subsection (e) STEP ONE result for the school corporation's capital projects fund is nineteen and forty-two hundredths cents ($0.1942).

SECTION 21. IC 6-1.1-18.5-8.1, AS ADDED BY P.L.218-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) This section applies to a township that is allowed an increase in its maximum permissible ad valorem property tax levy under section 13(c) of this chapter for property taxes first due and payable in 2014.

(b) The property tax levy limit imposed under section 3 of this chapter on the township may be exceeded in calendar years 2014, 2015, and 2016 by:

(1) the amount of ad valorem property taxes imposed by ~~a~~ **the** township to repay money borrowed under IC 36-6-6-14(f); **or**

(2) the amount of ad valorem property taxes imposed by the township to repay money borrowed under IC 36-6-6-14(b) in 2012 or 2013;

but not both.

(c) For purposes of computing the ad valorem property tax levy limit imposed on a township under section 3 of this chapter, the township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to repay money borrowed under IC 36-6-6-14(f).

SECTION 22. IC 6-1.1-20.3-7.5, AS AMENDED BY P.L.234-2013, SECTION 4, AND AS AMENDED BY P.L.257-2013, SECTION 22,

IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section does not apply to a school corporation designated *before July 1, 2013,* as a distressed political subdivision.

(b) If the board designates a political subdivision as a distressed political subdivision under section 6.5 *or 6.7* of this chapter, the board shall appoint an emergency manager for the distressed political subdivision. An emergency manager serves at the pleasure of the board.

(c) The chairperson of the board shall oversee the activities of an emergency manager.

(d) The distressed political subdivision shall pay the emergency manager's compensation and reimburse the emergency manager for actual and necessary expenses.

SECTION 23. IC 6-1.1-20.3-8.5, AS AMENDED BY P.L.257-2013, SECTION 25, AND AS AMENDED BY P.L.234-2013, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section does not apply to *a* school ~~*corporations.*~~ *corporation designated before July 1, 2013, as a distressed political subdivision.*

(b) Notwithstanding any other law, an emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter shall do the following:

(1) Assume and exercise the authority and responsibilities of both the executive and the fiscal body of the political subdivision concerning the adoption, amendment, and enforcement of ordinances and resolutions relating to or affecting the fiscal stability of the political subdivision. However, the emergency manager does not have the power to impose taxes or fees in addition to the taxes or fees authorized by the political subdivision before the political subdivision was designated a distressed political subdivision.

(2) Review the political subdivision's budget.

(3) Review salaries of the political subdivision's employees.

(4) Conduct a financial and compliance audit of the internal operations of the political subdivision.

(5) Develop a written financial plan in consultation with the officials of the political subdivision not later than six (6) months

after appointment.

(6) Develop a plan for paying all the political subdivision's outstanding obligations.

(7) Review existing labor contracts.

(8) Adopt a budget for the political subdivision for each calendar or fiscal year, as applicable, that the political subdivision remains a distressed political subdivision.

(9) Review payrolls and other claims against the political subdivision before payment.

(10) Make, approve, or disapprove the following:

(A) A contract.

(B) An expenditure.

(C) A loan.

(D) The creation of any new position.

(E) The filling of any vacant position.

(11) Submit a written report to the board every three (3) months concerning:

(A) actions taken by the emergency manager;

(B) expenditures made by the distressed political subdivision; and

(C) the work that has been done to remove the distressed political subdivision from distressed status.

(12) Petition the board to terminate a political subdivision's status as a distressed political subdivision when the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) An emergency manager of a distressed political subdivision appointed under section 7.5 of this chapter may do the following:

(1) Renegotiate existing labor contracts and act as an agent of the political subdivision in collective bargaining.

(2) Reduce or suspend salaries of the political subdivision's employees.

(3) Enter into agreements with other political subdivisions for the provision of services.

(d) Except as provided in section ~~*13(c)*~~ *13(d)* of this chapter, an emergency manager of a distressed political subdivision retains the powers and duties described in subsections (b) and (c) until:

(1) the emergency manager resigns or dies;

(2) the board removes the emergency manager; or

(3) the political subdivision's status as a distressed political subdivision is terminated under section 13(b) *or 13(c)* of this chapter.

SECTION 24. IC 6-1.1-20.3-10, AS AMENDED BY P.L.257-2013, SECTION 26, AND AS AMENDED BY P.L.234-2013, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A distressed political subdivision may petition the tax court for judicial review of a determination of the board under section 6.5 *or 6.7* of this chapter. *A school corporation may also petition the tax court for judicial review of a determination of the board under section 8.4 of this chapter.* The action must be taken to the tax court under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the Indiana board of tax review. The petition must be filed in the tax court not more than forty-five (45) days after the board enters its final determination.

SECTION 25. IC 6-1.1-20.3-13, AS AMENDED BY P.L.257-2013, SECTION 27, AND AS AMENDED BY P.L.234-2013, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If:

(1) an emergency manager of a distressed political subdivision; ~~*that is not a school corporation;*~~

(2) the fiscal body and executive of the political subdivision jointly; or

(3) the governing body of a school corporation that:

(A) employs a new superintendent; or

(B) has a new member elected or appointed to its governing body;

during the time the school corporation is a distressed political subdivision;

files a petition with the board for termination of the political subdivision's status as a distressed political subdivision, the board shall conduct a public hearing on the question of whether to terminate the political subdivision's status as a distressed political subdivision.

(b) *In the case of a political subdivision designated as distressed under section 6.5 of this chapter,* the board shall terminate the political subdivision's status as a distressed political subdivision if the board

finds that the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision.

(c) In the case of a township designated as distressed under section 6.7 of this chapter, the board shall terminate the township's status as a distressed political subdivision if the board finds that the township's township assistance property tax rate (as defined in section 6.7(a) of this chapter) for the current calendar year is not more than the result of:

(1) the statewide average township assistance property tax rate (as determined by the department of local government finance) for property taxes first due and payable in that same year; multiplied by

(2) twelve (12).

~~(c)~~ *(d)* Notwithstanding any other section of this chapter, not later than ninety (90) days after taking office, a new executive of a distressed political subdivision may petition the board for suspension of the political subdivision's distressed status. *In the case of a political subdivision designated as distressed under section 6.5 of this chapter,* the executive must include in its petition a written plan to resolve the applicable issues described in section 6.5 of this chapter. *In the case of a township designated as distressed under section 6.7 of this chapter, the executive must include in its petition a written plan to lower the township's township assistance property tax rate (as defined in section 6.7(a) of this chapter).* If the board approves the executive's written plan, the board may suspend the political subdivision's distressed status for one hundred eighty (180) days. Suspension under this chapter terminates automatically upon expiration of the one hundred eighty (180) day period. The board may consider a petition to terminate the political subdivision's distressed status during a period of suspension.

SECTION 26. IC 6-1.1-25-4.1, AS AMENDED BY P.L.146-2008, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) If, as provided in section ~~4(h)~~ **4(i)** of this chapter, the county auditor does not issue a deed to the county for property for which a certificate of sale has been issued to the county under IC 6-1.1-24-9 because the county executive determines that the property contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property, the property may be

transferred consistent with this section.

(b) A person who desires to obtain title to and eliminate the hazardous conditions of property containing hazardous waste or another environmental hazard for which a county holds a certificate of sale but to which a deed may not be issued to the county under section ~~4(h)~~ **4(i)** of this chapter may file a petition with the county auditor seeking a waiver of the delinquent taxes, special assessments, interest, penalties, and costs assessed against the property and transfer of the title to the property to the petitioner. The petition must:

(1) be on a form prescribed by the state board of accounts and approved by the department of local government finance;

(2) state the amount of taxes, special assessments, penalties, and costs assessed against the property for which a waiver is sought;

(3) describe the conditions existing on the property that have prevented the sale or the transfer of title to the county;

(4) describe the plan of the petitioner for elimination of the hazardous condition on the property under IC 13-25-5 and the intended use of the property; and

(5) be accompanied by a fee established by the county auditor for completion of a title search and processing.

(c) Upon receipt of a petition described in subsection (b), the county auditor shall review the petition to determine whether the petition is complete. If the petition is not complete, the county auditor shall return the petition to the petitioner and describe the defects in the petition. The petitioner may correct the defects and file the completed petition with the county auditor. Upon receipt of a completed petition, the county auditor shall forward a copy of the petition to:

(1) the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township;

(2) the owner;

(3) all persons who have, as of the date of the filing of the petition, a substantial interest of public record in the property;

(4) the county property tax assessment board of appeals; and

(5) the department of local government finance.

(d) Upon receipt of a petition described in subsection (b), the county property tax assessment board of appeals shall, at the county property tax assessment board of appeals' earliest opportunity, conduct a public

hearing on the petition. The county property tax assessment board of appeals shall, by mail, give notice of the date, time, and place fixed for the hearing to:

(1) the petitioner;

(2) the owner;

(3) all persons who have, as of the date the petition was filed, a substantial interest of public record in the property; and

(4) the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township.

In addition, notice of the public hearing on the petition shall be published one (1) time at least ten (10) days before the hearing in a newspaper of countywide circulation and posted at the principal office of the county property tax assessment board of appeals, or at the building where the meeting is to be held.

(e) After the hearing and completion of any additional investigation of the property or of the petitioner that is considered necessary by the county property tax assessment board of appeals, the county board shall give notice, by mail, to the parties listed in subsection (d) of the county property tax assessment board of appeals' recommendation as to whether the petition should be granted. The county property tax assessment board of appeals shall forward to the department of local government finance a copy of the county property tax assessment board of appeals' recommendation and a copy of the documents submitted to or collected by the county property tax assessment board of appeals at the public hearing or during the course of the county board of appeals' investigation of the petition.

(f) Upon receipt by the department of local government finance of a recommendation by the county property tax assessment board of appeals, the department of local government finance shall review the petition and all other materials submitted by the county property tax assessment board of appeals and determine whether to grant the petition. Notice of the determination by the department of local government finance and the right to seek an appeal of the determination shall be given by mail to:

(1) the petitioner;

(2) the owner;

(3) all persons who have, as of the date the petition was filed, a

substantial interest of public record in the property;

(4) the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township; and

(5) the county property tax assessment board of appeals.

(g) Any person aggrieved by a determination of the department of local government finance under subsection (f) may file an appeal seeking additional review by the department of local government finance and a public hearing. In order to obtain a review under this subsection, the aggrieved person must file a petition for appeal with the county auditor in the county where the tract or item of real property is located not more than thirty (30) days after issuance of notice of the determination of the department of local government finance. The county auditor shall transmit the petition for appeal to the department of local government finance not more than ten (10) days after the petition is filed.

(h) Upon receipt by the department of local government finance of an appeal, the department of local government finance shall set a date, time, and place for a hearing. The department of local government finance shall give notice, by mail, of the date, time, and place fixed for the hearing to:

(1) the person filing the appeal;

(2) the petitioner;

(3) the owner;

(4) all persons who have, as of the date the petition was filed, a substantial interest of public record in the property;

(5) the assessor of the township in which the property is located, or the county assessor if there is no township assessor for the township; and

(6) the county property tax assessment board of appeals.

The department of local government finance shall give the notices at least ten (10) days before the day fixed for the hearing.

(i) After the hearing, the department of local government finance shall give the parties listed in subsection (h) notice by mail of the final determination of the department of local government finance.

(j) If the department of local government finance decides to:

(1) grant the petition submitted under subsection (b) after initial review of the petition under subsection (f) or after an appeal

under subsection (h); and

(2) waive the taxes, special assessments, interest, penalties, and costs assessed against the property;

the department of local government finance shall issue to the county auditor an order directing the removal from the tax duplicate of the taxes, special assessments, interest, penalties, and costs for which the waiver is granted.

(k) After:

(1) at least thirty (30) days have passed since the issuance of a notice by the department of local government finance to the county property tax assessment board of appeals granting a petition filed under subsection (b), if no appeal has been filed; or

(2) not more than thirty (30) days after receipt by the county property tax assessment board of appeals of a notice of a final determination of the department of local government finance granting a petition filed under subsection (b) after an appeal has been filed and heard under subsection (h);

the county auditor shall file a verified petition and an application for an order on the petition in the court in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed to the real property. The petition shall contain the certificate of sale issued to the county, a copy of the petition filed under subsection (b), and a copy of the notice of the final determination of the department of local government finance directing the county auditor to remove the taxes, interest, penalties, and costs from the tax duplicate. Notice of the filing of the petition and application for an order on the petition shall be given, by mail, to the owner and any person with a substantial interest of public record in the property. A person owning or having an interest in the property may appear to object to the petition.

(l) The court shall enter an order directing the county auditor to issue a tax deed to the petitioner under subsection (b) if the court finds that the following conditions exist:

(1) The time for redemption has expired.

(2) The property has not been redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(3) All taxes, special assessments, interest, penalties, and costs have been waived by the department of local government finance or, to the extent not waived, paid by the petitioner under

subsection (b).

(4) All notices required by this section and sections 4.5 and 4.6 of this chapter have been given.

(5) The petitioner under subsection (b) has complied with all the provisions of law entitling the petitioner to a tax deed.

(m) A tax deed issued under this section is uncontestable except by appeal from the order of the court directing the county auditor to issue the tax deed. The appeal must be filed not later than sixty (60) days after the date of the court's order.

SECTION 27. IC 6-2.5-3.5-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 2. As used in this chapter, "E85" has the meaning set forth in IC 6-6-1.1-103.~~

SECTION 28. IC 6-2.5-3.5-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. As used in this chapter, "price per unit before the addition of state and federal taxes" means an amount that equals the remainder of:~~

~~(1) the total price per unit; minus~~

~~(2) the gasoline use tax, Indiana gasoline tax, and federal gasoline taxes that are part of the total price per unit.~~

SECTION 29. IC 6-2.5-7-5, AS AMENDED BY P.L.227-2013, SECTION 8, AND AS AMENDED BY P.L.293-2013(ts), SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Each retail merchant who dispenses ~~gasoline or~~ special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

~~*(1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.*~~

~~*(2) The total amount of money received from the sale of gasoline described in subdivision (1) during the period covered by the report.*~~

~~*(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.*~~

~~*(4)*~~ *(1)* The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

~~*(5)*~~ *(2)* The total amount of money received from the sale of special fuel during the period covered by the report.

~~(6)~~ *(3)* That portion of the amount described in subdivision ~~(5)~~ *(2)* that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 *or Section 4081* of the Internal Revenue Code.

~~*(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.*~~

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals six and fifty-four hundredths percent (6.54%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal ~~*gasoline and*~~ special fuel taxes, received by the retail merchant from the sale of the ~~*gasoline and*~~ special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which the merchant has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in *subsection (c),* IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) an amount equal to:

(1) the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus

(2) the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

SECTION 30. IC 6-8.1-1-1, AS AMENDED BY P.L.277-2013, SECTION 15, AND AS AMENDED BY P.L.288-2013, SECTION 68, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the

adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); ~~*the alternative fuel permit fee (IC 6-6-2.1);*~~ the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); *the aviation fuel excise tax (IC 6-6-13);* the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation improvement income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 31. IC 6-8.1-7-1, AS AMENDED BY P.L.205-2013, SECTION 131, P.L.227-2013, SECTION 20, P.L.261-2013, SECTION 38, AND P.L.293-2013(ts), SECTION 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including

required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) a member of the general assembly or an employee of the house of representatives or the senate when acting on behalf of a taxpayer located in the member's legislative district who has provided sufficient information to the member or employee for the department to determine that the member or employee is acting on behalf of the taxpayer;

~~(3)~~ *(4)* the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

~~(4)~~ *(5)* any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family resources, and to any director of a county office of the division of family resources located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to a postsecondary educational institution may

be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved postsecondary educational institutions (as defined by IC 21-7-13-6(a)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The information described in subsection (a) may be revealed upon the receipt of a written request from the chief law enforcement officer of a state or local law enforcement agency in Indiana when it is agreed that the information is to be confidential and to be used solely for official purposes.

(h) The name and address of retail merchants, including township, as specified in ~~*IC 6-2.5-8-1(j)*~~ *IC 6-2.5-8-1(k)* may be released solely for tax collection purposes to township assessors and county assessors.

(i) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(j) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and

collection of the taxes imposed by IC 6-6-5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(m) All information relating to the delinquency or evasion of the excise taxes imposed on recreational vehicles and truck campers that are payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.1.

(n) This section does not apply to:

(1) the beer excise tax, including brand and packaged type (IC 7.1-4-2);

(2) the liquor excise tax (IC 7.1-4-3);

(3) the wine excise tax (IC 7.1-4-4);

(4) the hard cider excise tax (IC 7.1-4-4.5);

(5) the malt excise tax (IC 7.1-4-5);

(6) the motor vehicle excise tax (IC 6-6-5);

(7) the commercial vehicle excise tax (IC 6-6-5.5); and

(8) the fees under IC 13-23.

(o) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

(p) The ~~names~~ name and business ~~addresses~~ address of ~~persons~~ a person ~~issued licenses~~ licensed by the department under IC 6-6 ~~and~~ or IC 6-7 may be released for the purpose of reporting the status of the person's license.

~~(p)~~ **(q)** *The department may release information concerning total incremental tax amounts under:*

(1) IC 5-28-26;
(2) IC 36-7-13;
(3) IC 36-7-26;
(4) IC 36-7-27;
(5) IC 36-7-31;
(6) IC 36-7-31.3; or
(7) any other statute providing for the calculation of incremental state taxes that will be distributed to or retained by a political subdivision or other entity;

to the fiscal officer of the political subdivision or other entity that established the district or area from which the incremental taxes were received if that fiscal officer enters into an agreement with the department specifying that the political subdivision or other entity will use the information solely for official purposes.

SECTION 32. IC 7.1-5-9-7, AS AMENDED BY P.L.109-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **Except as provided in IC 7.1-3-27-6,** it is unlawful for the holder of an artisan distiller's, a distiller's, or a rectifier's permit to own, acquire, possess or cause to be transferred to the holder shares of stock of a corporation that holds an Indiana permit to sell alcoholic beverages at retail, or in a permit to sell at retail in this state, or to own or acquire an interest in the business being conducted under the permit, or in or to shares of stock in a corporation that owns a permit to sell at retail.

SECTION 33. IC 8-14-1-3, AS AMENDED BY P.L.261-2013, SECTION 40, AND AS AMENDED BY P.L.205-2013, SECTION 134, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The money collected for the motor vehicle highway account fund and remaining after refunds and the payment of all expenses incurred in the collection thereof, and after the deduction of the amount appropriated to the department for traffic safety, ~~*and after the deduction of one-half (1/2) of the amount appropriated for the state police department,*~~ shall be allocated to and distributed among the department and subdivisions designated as follows:

(1) Of the net amount in the motor vehicle highway account the auditor of state shall set aside for the cities and towns of the state fifteen percent (15%) thereof. This sum shall be allocated to the

cities and towns upon the basis that the population of each city and town bears to the total population of all the cities and towns and shall be used for the construction or reconstruction and maintenance of streets and alleys and shall be annually budgeted as now provided by law. However, no part of such sum shall be used for any other purpose than for the purposes defined in this chapter. If any funds allocated to any city or town shall be used by any officer or officers of such city or town for any purpose or purposes other than for the purposes as defined in this chapter, such officer or officers shall be liable upon their official bonds to such city or town in such amount so used for other purposes than for the purposes as defined in this chapter, together with the costs of said action and reasonable attorney fees, recoverable in an action or suit instituted in the name of the state of Indiana on the relation of any taxpayer or taxpayers resident of such city or town. A monthly distribution thereof of funds accumulated during the preceding month shall be made by the auditor of state.

(2) Of the net amount in the motor vehicle highway account, the auditor of state shall set aside for the counties of the state thirty-two percent (32%) thereof. However, as to the allocation to cities and towns under subdivision (1) and as to the allocation to counties under this subdivision, in the event that the amount in the motor vehicle highway account fund remaining after refunds and *after* the payment of all expenses incurred in the collection thereof ~~*and after deduction of any amount appropriated by the general assembly for public safety and policing*~~ shall be less than twenty-two million six hundred and fifty thousand dollars ($22,650,000) in any fiscal year, then the amount so set aside in the next calendar year for distributions to counties shall be reduced fifty-four percent (54%) of such deficit and the amount so set aside for distribution in the next calendar year to cities and towns shall be reduced thirteen percent (13%) of such deficit. Such reduced distributions shall begin with the distribution January 1 of each year.

(3) The amount set aside for the counties of the state under the provisions of subdivision (2) shall be allocated monthly upon the following basis:

(A) Five percent (5%) of the amount allocated to the counties

to be divided equally among the ninety-two (92) counties.

(B) Sixty-five percent (65%) of the amount allocated to the counties to be divided on the basis of the ratio of the actual miles, now traveled and in use, of county roads in each county to the total mileage of county roads in the state, which shall be annually determined, accurately, by the department *and submitted to the auditor of state before April 1 of each year.*

(C) Thirty percent (30%) of the amount allocated to the counties to be divided on the basis of the ratio of the motor vehicle registrations of each county to the total motor vehicle registration of the state.

All money so distributed to the several counties of the state shall constitute a special road fund for each of the respective counties and shall be under the exclusive supervision and direction of the board of county commissioners in the construction, reconstruction, maintenance, or repair of the county highways or bridges on such county highways within such county.

(4) Each month the remainder of the net amount in the motor vehicle highway account shall be credited to the state highway fund for the use of the department.

(5) Money in the fund may not be used for any toll road or toll bridge project.

(6) Notwithstanding any other provisions of this section, money in the motor vehicle highway account fund may be appropriated to the Indiana department of transportation from the forty-seven percent (47%) distributed to the political subdivisions of the state to pay the costs incurred by the department in providing services to those subdivisions.

(7) Notwithstanding any other provisions of this section or of IC 8-14-8, for the purpose of maintaining a sufficient working balance in accounts established primarily to facilitate the matching of federal and local money for highway projects, money may be appropriated to the Indiana department of transportation as follows:

(A) One-half (1/2) from the forty-seven percent (47%) set aside under subdivisions (1) and (2) for counties and for those cities and towns with a population greater than five thousand (5,000).

(B) One-half (1/2) from the distressed road fund under IC 8-14-8.

SECTION 34. IC 8-21-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The department shall encourage, foster, and assist in the development of aeronautics in this state and shall encourage the establishment of airports, landing fields, and other navigation facilities.

(b) The department shall cooperate with and assist the federal government, the political subdivisions of this state, and others engaged in aeronautics or the advancement of aeronautics and shall seek to coordinate the aeronautical activities of these bodies.

(c) All rules prescribed by the department concerning aeronautics shall be kept in conformity with, and limited to as nearly as may be, the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder.

(d) The department shall develop and continuously update a proposed state airports system plan which will best serve the interests of the state and its political subdivisions. Such state airports system plan shall be coordinated with the national airport plan prepared by the federal agency fostering civil aviation.

(e) The department may publish and revise from time to time a state airways system plan, and maps, directories, or other materials deemed necessary may be sold by the department at a price which shall be fixed by the department. All money accruing from the sale of any such publication:

(1) shall be paid into the state treasury;

(2) shall be credited to the department; and

(3) is hereby appropriated to such department to be used for future publications by the department, without reversion to the general fund of the state at the end of any fiscal year. However, any time the balance in said fund exceeds ten thousand dollars ($10,000), such excess shall revert to the general fund of the state.

(f) The department may offer the engineering or other technical advice of the department, without charge, to any municipality or person desiring them in connection with the construction, maintenance, or operation or proposed construction, maintenance, or operation of an airport or landing field.

(g) The department may recommend necessary legislation to

advance the interests of the state in aeronautics and represent the state in aeronautical matters before federal agencies and other state agencies.

(h) The department shall have the power to approve or disapprove all purchases made by any municipality of any land to be used by said municipality for the establishment of any airport or landing field, and the establishment by any municipality of any airport or landing field.

(i) The department may participate as party plaintiff or defendant, or as intervener on behalf of the state or any municipality or citizen thereof in any controversy having to do with any claimed encroachment by the federal government or any foreign state upon any state or individual rights pertaining to aeronautics.

(j) Municipalities are authorized to cooperate with the department in the development of aeronautics and aeronautical facilities and services of other agencies of the state to the utmost extent possible, and such agencies are authorized and directed to make available such facilities and services.

(k) The department, or any employee designated by it, shall have the power to hold investigations, and hearings concerning matters covered by this chapter and orders and rules of the department, in accordance with IC 4-21.5. All hearings so conducted shall be open to the public. The reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding, growing out of any matter referred to in said investigation, hearing, or report thereof, except in case of criminal or other proceedings instituted in behalf of the department or this state under the provisions of this chapter and other laws of this state.

(l) The department may render advice in the acquisition, development, operation, or maintenance of airports owned, controlled, or operated, or to be owned, controlled, or operated, by municipalities in this state.

(m) The department may not grant any exclusive right for the use of any airway, airport, landing field, or other air navigation facility under its jurisdiction. This subsection shall not prevent the making of leases in accordance with other provisions of this chapter.

(n) Gifts or grants of money for aeronautical purposes may be received by the state and shall be deposited in an aviation fund. Disbursal of such funds shall be for aeronautical purposes only or for the purpose for which they were given or granted. Gifts or grants of

property for aeronautical purposes may be received by the state and shall be used for the purpose given or granted. Gifts or grants of money or property for aeronautical purposes must be administered in the same manner as other gifts and grants received by the state are administered.

(o) The department may adopt rules under IC 4-22-2 ~~and subject to IC 8-9.5-2.6(7)~~ for the control of aircraft accident sites in Indiana. Until representatives of appropriate federal agencies arrive on the site of an aircraft accident, state and local law enforcement agencies and accident investigation agencies shall comply with any rules adopted by the department under this section.

(p) The department may, with written approval of the budget agency, purchase and operate aircraft forfeited under IC 34-24-1 (or IC 34-4-30.1 before its repeal). When the department acquires an aircraft, it shall pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, and advertising and court costs.

SECTION 35. IC 9-13-2-19.4, AS ADDED BY P.L.22-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.4. "Chaplain", for purposes of IC 9-19-14.5, has the meaning set forth in ~~IC 9-19-14-0.5.~~ **IC 9-19-14.5-0.5.**

SECTION 36. IC 9-14-3-5, AS AMENDED BY P.L.125-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or ~~IC 9-24-16-3;~~ **IC 9-24-16-2;** or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the bureau may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The bureau may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 37. IC 9-18-2-7, AS AMENDED BY P.L.262-2013, SECTION 48, AS AMENDED BY P.L.203-2013, SECTION 17, AND AS AMENDED BY P.L.293-2013(ts), SECTION 39, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A person who owns a vehicle *that is operated on Indiana roadways and* subject to registration shall register ~~the~~ *each* vehicle *owned by the person* as follows:

(1) A vehicle subject to section 8 of this chapter shall be registered under section 8 of this chapter.

(2) Subject to subsection (g) or (h), a vehicle not subject to section 8 or 8.5 of this chapter or to the International Registration Plan shall be registered before:

(A) March 1 of each year; ~~*or*~~

(B) February 1 or later dates each year, if:

(i) the vehicle is being registered with the department of state revenue; and

(ii) staggered registration has been adopted by the department of state revenue; or

~~(B)~~ *(C)* an earlier date subsequent to January 1 of each year as set by the bureau, *if the vehicle is being registered with the bureau.*

(3) School buses owned by a school corporation are exempt from annual registration but are subject to registration under IC 20-27-7.

(4) Subject to subsection (f), a vehicle subject to the International Registration Plan shall be registered before April 1 of each year.

(5) A school bus not owned by a school corporation shall be registered subject to section 8.5 of this chapter.

(b) Registrations and reregistrations under this section are for the calendar year. Registration and reregistration for school buses owned by a school corporation may be for more than a calendar year.

(c) License plates for a vehicle subject to this section may be displayed during:

(1) the calendar year for which the vehicle is registered; and

(2) the period of time:

(A) subsequent to the calendar year; and

(B) before the date that the vehicle must be reregistered.

(d) Except as provided in IC 9-18-12-2.5, a person who owns or operates a vehicle may not operate or permit the operation of a vehicle that:

(1) is required to be registered under this chapter; and

(2) has expired license plates.

(e) If a vehicle that is required to be registered under this chapter has:

(1) been operated on the highways; and

(2) not been properly registered under this chapter;

the bureau shall, before the vehicle is reregistered, collect the registration fee that the owner of the vehicle would have paid if the vehicle had been properly registered.

(f) The department of state revenue may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles subject to the International Registration Plan.

(g) Except as provided in section 8.5 of this chapter, the bureau may adopt rules under IC 4-22-2 to issue staggered registration to motor vehicles described in subsection (a)(2).

(h) After June 30, 2011, the registration of a vehicle under

IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) ~~*IC 9-18-16-1(1) or IC 9-18-16-1(2)*~~ expires on December 14 of each year. However, if a vehicle is registered under *IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2)* ~~*IC 9-18-16-1(1) or IC 9-18-16-1(2)*~~ and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

SECTION 38. IC 9-22-3-30 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 30. A seller that is:~~

~~(1) a dealer; or~~

~~(2) any other person who sells, exchanges, or transfers at least five (5) vehicles each year;~~

~~may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.~~

SECTION 39. IC 9-24-2-3, AS AMENDED BY P.L.207-2013, SECTION 7, AS AMENDED BY P.L.207-2013, SECTION 8, AND AS AMENDED BY P.L.85-2013, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The bureau may not issue a driver's license or learner's permit or grant driving privileges to the following individuals:

(1) An individual whose ~~*license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has*~~ *driving privileges have* been suspended, during the period for which the ~~*license was*~~ *driving privileges are* suspended, or to an individual whose *driver's* license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the person successfully passes the examination; *or*

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under ~~*IC 31-14-12-4*~~ ~~*or*~~ IC 31-16-12-7 (or IC 31-1-11.5-13, ~~*or*~~ IC 31-6-6.1-16, *or IC 31-14-12-4* before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 40. IC 9-24-4-4.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4.5. To receive a chauffeur's license, an individual must surrender any and all driver's licenses issued to the individual by Indiana or any other jurisdiction.~~

SECTION 41. IC 9-24-11-5.5, AS AMENDED BY P.L.85-2013, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. If a permittee or licensee has under ~~IC 9-24-9-2(e):~~ **IC 9-24-9-2(d):**

(1) indicated on the application that the permittee or licensee is a veteran of the armed forces of the United States and wishes to have an indication of the permittee's or licensee's veteran status appear on the license or permit; and

(2) provided proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States;

an indication of the permittee's or licensee's veteran status shall be shown on the license or permit.

SECTION 42. IC 9-24-12-4, AS AMENDED BY P.L.109-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

(1) an operator's license;

(2) a chauffeur's license;

(3) a public passenger chauffeur's license; or

(4) an identification card;

under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(10), an application for renewal of a driver's license in subsection (a)(1), (a)(2), or (a)(3) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(J), an application for renewal of an identification card ~~in~~ **under** subsection ~~(a)(5)~~ **(a)(4)** may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 43. IC 9-24-16-3, AS AMENDED BY P.L.85-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the ~~permit or license.~~ **identification card.**

(d) If the individual:

(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) has provided proof of any discharge or separation, other than a dishonorable discharge, from the armed forces of the United States;

an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) An identification card issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 44. IC 9-29-5-43, AS AMENDED BY P.L.92-2013, SECTION 65, AND AS AMENDED BY P.L.259-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) Except as otherwise provided by this chapter,

~~subsection (d),~~ **subsection (b),** and IC 9-29-1-2, registration fees collected under this chapter shall be paid into the state general fund for credit to the motor vehicle highway account under IC 8-14-1.

(b) Fees collected for the registration of off-road vehicles and snowmobiles under IC 9-18-2.5 and collected as set forth in section 44 of this chapter shall be deposited in the off-road vehicle and snowmobile fund established under IC 14-16-1-30.

SECTION 45. IC 9-29-6-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) The fee for the annual registration required under IC 9-20-5-7 is twenty-five dollars ($25). The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

(b) The department of state revenue may impose an additional permit fee in an amount that may not exceed one dollar ($1) on each trip permitted for a vehicle registered under IC 9-20-5-7. This additional fee is for the use and maintenance of an automated vehicle identifier. ~~The fee imposed under this subsection is in addition to the permit fee required under section 1 of this chapter.~~ The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

SECTION 46. IC 9-30-13-6, AS AMENDED BY P.L.207-2013, SECTION 9, AS AMENDED BY P.L.207-2013, SECTION 10, AND AS AMENDED BY P.L.85-2013, SECTION 111, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under ~~*IC 31-14-12-4 or*~~ IC 31-16-12-7 *(or IC 31-14-12-4 before its repeal),* suspend the driving privileges of the person who is the subject of the order.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning ~~*five (5)*~~ *eighteen (18)* business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement

from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

(3) That the person may be granted restricted driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can prove that public transportation is unavailable for travel by the person:

(A) to and from the person's regular place of employment;

(B) in the course of the person's regular employment;

(C) to and from the person's place of worship; or

(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted restricted driving privileges under IC 9-24-15 as a result of the suspension under this section.

(e) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.

SECTION 47. IC 9-32-11-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The license issued to a factory branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter:

(1) must specify the location of each place of business; and

(2) shall be conspicuously displayed at each business location.

(b) If a licensee's business name or location is changed, the licensee shall notify the secretary not later than ten (10) days after the change and remit the fee required under IC 9-29-17. The secretary shall endorse the change on the license if the secretary determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or another computer network to

facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary not later than ten (10) days after any change in a name, address, or telephone number documented in business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-17.

(d) A dealer who wants to change a location must submit to the secretary an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The secretary may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite **sales** license issued under section 11 of this chapter does not constitute a change of location.

SECTION 48. IC 9-32-13-23, AS ADDED BY P.L.92-2013, SECTION 78, AND AS AMENDED BY P.L.152-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23.** (a) It is an unfair practice for a manufacturer, distributor, officer, or agent to do any of the following:

(1) Require, coerce, or attempt to coerce a new motor vehicle dealer in Indiana to:

(A) change the location of the dealership;

(B) make any substantial alterations to the use of franchises; or

(C) make any substantial alterations to the dealership premises or facilities;

if to do so would be unreasonable or would not be justified by current economic conditions or reasonable business considerations. This subdivision does not prevent a manufacturer or distributor from establishing and enforcing reasonable facility requirements. However, a motor vehicle dealer may elect to use for the facility alteration locally sourced materials or supplies that

are substantially similar to those required by the manufacturer or distributor, subject to the approval of the manufacturer or distributor.

(2) Require, coerce, or attempt to coerce a new motor vehicle dealer in Indiana to divest ownership of or management in another line or make of motor vehicles that the dealer has established in its dealership facilities with the prior written approval of the manufacturer or distributor.

(3) Establish or acquire wholly or partially a franchisor owned outlet engaged wholly or partially in a substantially identical business to that of the franchisee within the exclusive territory granted the franchisee by the franchise agreement or, if no exclusive territory is designated, competing unfairly with the franchisee within a reasonable market area. A franchisor is not considered to be competing unfairly if operating:

(A) a business for less than two (2) years;

(B) in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price; or

(C) in a bona fide relationship in which an independent person has made a significant investment subject to loss in the business operation and can reasonably expect to acquire majority ownership or managerial control of the business on reasonable terms and conditions.

(4) Require a dealer, as a condition of granting or continuing a franchise, approving the transfer of ownership or assets of a new motor vehicle dealer, or approving a successor to a new motor vehicle dealer to:

(A) construct a new dealership facility;

(B) modify or change the location of an existing dealership; or

(C) grant the manufacturer or distributor control rights over any real property owned, leased, controlled, or occupied by the dealer.

(5) Prohibit a dealer from representing more than one (1) line make of motor vehicles from the same or a modified facility if:

(A) reasonable facilities exist for the combined operations;

(B) the dealer meets reasonable capitalization requirements for the original line make and complies with the reasonable facilities requirements of the manufacturer or distributor; and

(C) the prohibition is not justified by the reasonable business considerations of the manufacturer or distributor.

Subdivisions (3) through (5) do not apply to recreational vehicle manufacturer franchisors.

(b) This section does not prohibit the enforcement of a voluntary agreement between the manufacturer or distributor and the franchisee where separate and valuable consideration has been offered and accepted.

SECTION 49. IC 9-32-16-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter shall be administered by the secretary.

(b) The secretary:

(1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and

(2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) The secretary may develop and implement dealer's and vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of vehicles, with particular emphasis on the prevention and detection of fraud involving vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education

program.

(f) Fees and funds accruing from the administration of this article:

(1) described in IC 9-32-7-1(d) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer compliance account established by IC 9-32-7-1(a);

(2) described in IC 9-32-7-2(b) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer enforcement account established by IC 9-32-7-2(a);

(3) described in IC 9-29-17-14(b)(2), ~~IC 9-29-17-14(c)(2),~~ **IC 9-29-17-14(c)(3),** IC 9-29-17-15, and IC 9-32-7-3(2) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the motor vehicle highway account under IC 8-14-1;

(4) described in IC 9-32-7-3(3) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the state police department, and these fees and funds are continuously appropriated to the department for its use in enforcing odometer laws;

(5) described in IC 9-32-7-3(4) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the attorney general, and these fees and funds are continuously appropriated to the attorney general for use in enforcing odometer laws; and

(6) described in IC 9-29-1-4(a) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the state police building account.

Expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, grants and donations under subsection (e), costs of investigations, and civil penalties recovered under this chapter shall be deposited by the treasurer of state in the dealer enforcement account established by IC 9-32-7-2. The funds in the dealer compliance account established by IC 9-32-7-1 must be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this article.

(g) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the director upon the request of the director. To that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the director as the demands of the division require. Expenses incurred by the attorney general for the purposes stated under this subsection are chargeable against and shall be paid out of funds appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the director and the director's designee to represent the director and the division in any proceeding involving enforcement or defense of this article.

(h) The secretary, director, and employees of the division are not liable in an individual capacity, except to the state, for an act done or omitted in connection with the performance of their duties under this article.

(i) The director and each attorney or investigator designated by the secretary:

(1) are police officers of the state;

(2) have all the powers and duties of police officers in conducting investigations for violations of this article, or in serving any process, notice, or order issued by an officer, authority, or court in connection with the enforcement of this article; and

(3) comprise the enforcement department of the division.

The division is a criminal justice agency for purposes of IC 5-2-4-1(3) and IC 10-13-3-6.

(j) The provisions of this article delegating and granting power to the secretary, division, and director shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented; and

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured.

(k) Copies of any statements and documents filed in the office of the secretary and of any records of the secretary certified by the director are admissible in any prosecution, action, suit, or proceeding based on,

arising out of, or under this article to the same effect as the original of the statement, document, or record would be if actually produced.

SECTION 50. IC 9-32-16-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Information or documents obtained by the division in the course of an investigation, including an audit conducted under section 6(c) of this chapter, are law enforcement records for the purposes **of** IC 5-14-3-4(b)(1).

SECTION 51. IC 10-11-2-26, AS AMENDED BY P.L.135-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.
(2) IC 6-6-1.1-1202.
(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.
(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through IC 9-24-1-1.5.
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.

(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
~~(29) IC 9-29-6-1.~~
~~(30)~~ **(29)** IC 10-14-8.
~~(31)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
~~(32)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

~~(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.~~

SECTION 52. IC 10-13-8-11, AS ADDED BY P.L.38-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. A broadcaster or an electronic billboard operator participating in the blue alert program shall immediately display the information that the department considers necessary to the general public in accordance with the blue alert ~~plan~~ **program** agreement between the department and the broadcaster or operator.

SECTION 53. IC 10-13-8-13, AS ADDED BY P.L.38-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A law enforcement agency that locates or apprehends the suspect or locates the missing **law enforcement** officer described in section 8(a)(1) of this chapter shall notify the department as soon as practicable.

SECTION 54. IC 10-14-9-2, AS ADDED BY P.L.78-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "highway route

controlled quantity (HRCQ) radioactive material" **or "HRCQ materials"** means a quantity within a single package that exceeds the least of the following:

(1) For special form Class 7 (radioactive) material, three thousand (3,000) times the A_1 value of the radionuclides listed in 49 CFR 173.435.

(2) For normal form Class 7 (radioactive) material, three thousand (3,000) times the A_2 value of the radionuclides listed in 49 CFR 173.435.

(3) One thousand (1,000) TBq (27,000 Ci).

SECTION 55. IC 11-12-3.7-7, AS AMENDED BY P.L.108-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) An advisory board shall develop a forensic diversion plan to provide an adult who:

(1) has a mental illness, an addictive disorder, or both a mental illness and an addictive disorder; and

(2) has been charged with a crime that is not a violent crime;

an opportunity, pre-conviction or post-conviction, to receive community treatment and other services addressing mental health and addictions instead of or in addition to incarceration.

(b) The forensic diversion plan may include any combination of the following program components:

(1) Pre-conviction diversion for adults with mental illness.

(2) Pre-conviction diversion for adults with addictive disorders.

(3) Post-conviction diversion for adults with mental illness.

(4) Post-conviction diversion for adults with addictive disorders.

(c) In developing a plan, the advisory board must consider the ability of existing programs and resources within the community, including:

(1) a problem solving court established under IC 33-23-16;

(2) a court alcohol and drug program certified under IC 12-23-14-13;

(3) treatment providers certified by the division of mental health and addiction under IC 12-23-1-6 or ~~IC 12-21-2-3(a)(5);~~ **IC 12-21-2-3(5);** and

(4) other public and private agencies.

(d) Development of a forensic diversion program plan under this chapter or IC 11-12-2-3 does not require implementation of a forensic

diversion program.

(e) The advisory board may:

(1) operate the program;

(2) contract with existing public or private agencies to operate one (1) or more components of the program; or

(3) take any combination of actions under subdivisions (1) or (2).

(f) Any treatment services provided under the forensic diversion program:

(1) for addictions must be provided by an entity that is certified by the division of mental health and addiction under IC 12-23-1-6; or

(2) for mental health must be provided by an entity that is:

(A) certified by the division of mental health and addiction under ~~IC 12-21-2-3(a)(5);~~ **IC 12-21-2-3(5);**

(B) accredited by an accrediting body approved by the division of mental health and addiction; or

(C) licensed to provide mental health services under IC 25.

SECTION 56. IC 12-7-2-35, AS AMENDED BY P.L.205-2013, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. "Committee" means the following:

(1) For purposes of IC 12-15-33, the meaning set forth in IC 12-15-33-1.

(2) For purposes of IC 12-17.2-3.3, the meaning set forth in IC 12-17.2-3.3-1.

(3) For the purposes of ~~IC 12-17.2-3.7,~~ **IC 12-17.2-3.6,** ~~has~~ the meaning set forth in ~~IC 12-17.2-3.7-1.~~ **IC 12-17.2-3.6-1.**

SECTION 57. IC 12-7-2-75.7, AS ADDED BY P.L.205-2013, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 75.7. "Eligible child", for purposes of ~~IC 12-17.2-3.7,~~ **IC 12-17.2-3.6,** has the meaning set forth in ~~IC 12-17.2-3.7-2.~~ **IC 12-17.2-3.6-2.**

SECTION 58. IC 12-7-2-76.2, AS ADDED BY P.L.205-2013, SECTION 174, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 76.2. "Eligible provider", for purposes of ~~IC 12-17.2-3.7,~~ **IC 12-17.2-3.6,** has the meaning set forth in ~~IC 12-17.2-3.7-3.~~ **IC 12-17.2-3.6-3.**

SECTION 59. IC 12-7-2-76.3, AS ADDED BY P.L.205-2013,

SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 76.3. "Eligible services", for purposes of ~~IC 12-17.2-3.7,~~ **IC 12-17.2-3.6,** has the meaning set forth in ~~IC 12-17.2-3.7-4.~~ **IC 12-17.2-3.6-4.**

SECTION 60. IC 12-7-2-91, AS AMENDED BY P.L.205-2013, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 91. "Fund" means the following:

(1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

(2) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.

(3) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.

(4) For purposes of ~~IC 12-17.2-3.7,~~ **IC 12-17.2-3.6,** the meaning set forth in ~~IC 12-17.2-3.7-5.~~ **IC 12-17.2-3.6-5.**

(5) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.

(6) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

(7) For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.

(8) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

(9) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

(10) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 61. IC 12-7-2-93.7, AS ADDED BY P.L.205-2013, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 93.7. "Grant", for purposes of ~~IC 12-17.2-5,~~ **IC 12-17.2-3.6,** has the meaning set forth in ~~IC 12-17.2-3.7-6.~~ **IC 12-17.2-3.6-6.**

SECTION 62. IC 12-7-2-135.8, AS ADDED BY P.L.205-2013, SECTION 178, AND AS ADDED BY P.L.267-2013, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 135.8. **(a)** "Paths to QUALITY program", for purposes of ~~*IC 12-17.2-2-14,*~~ **IC 12-17.2-2-14.2** *and*

~~*IC 12-17.2-3.7,*~~ **IC 12-17.2-3.6,** ~~*refers to the paths to QUALITY program*~~ **refers to the program established in IC 12-17.2-2-14.2(b).**

(b) "Paths to QUALITY program", for purposes of ~~*IC 12-17.2-3.7,*~~ **IC 12-17.2-3.8,** *has the meaning set forth in* ~~*IC 12-17.2-3.7-4.*~~ **IC 12-17.2-3.8-1.**

SECTION 63. IC 12-7-2-146, AS AMENDED BY P.L.205-2013, SECTION 179, AND AS AMENDED BY P.L.267-2013, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 146. "Program" refers to the following:

(1) For purposes of IC 12-8-12.5, the meaning set forth in IC 12-8-12.5-1.

(2) For purposes of IC 12-10-7, the adult guardianship services program established by IC 12-10-7-5.

(3) For purposes of IC 12-10-10, the meaning set forth in IC 12-10-10-5.

(4) For purposes of ~~*IC 12-17.2-2-14,*~~ **IC 12-17.2-2-14.2,** *the meaning set forth in* ~~*IC 12-17.2-2-14.*~~ **IC 12-17.2-2-14.2(a).**

(5) For purposes of ~~*IC 12-17.2-3.7,*~~ **IC 12-17.2-3.6,** *the meaning set forth in* ~~*IC 12-17.2-3.7-7.*~~ **IC 12-17.2-3.6-7.**

~~*(4)*~~ **(6)** *For purposes of* ~~*IC 12-17.2-3.7,*~~ **IC 12-17.2-3.8,** *the meaning set forth in* ~~*IC 12-17.2-3.7-5.*~~ **IC 12-17.2-3.8-2.**

~~*(5)*~~ ~~*(6)*~~ **(7)** For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-5.

SECTION 64. IC 12-15-16-7, AS ADDED BY P.L.205-2013, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to Medicaid disproportionate share payments for the state fiscal year beginning:

(1) July 1, 2012, if hospital fees authorized under P.L.229-2011, SECTION 281 or authorized to be transferred and used for payments are used as state share dollars for the payments; and

(2) July 1, 2013, and for each state fiscal year after, for which hospital fees authorized under IC 16-21-10 are used as state share dollars for the payments.

(b) As used in this section, "hospital assessment fee committee" refers to the committee established by IC 16-21-10-7.

(c) As used in this section, "hospital specific limit" refers to the

hospital specific limit provided under 42 U.S.C. 1396r-4(g).

(d) As used in this section, "municipal hospital payment amount" means, concerning a hospital established and operated under IC 16-22-2 or IC 16-23, an amount equal to the lesser of:

(1) the hospital specific limit for the hospital for the state fiscal year; or

(2) the hospital's net 2009 supplemental payment amount.

(e) As used in this section, "nongovernmental hospital" refers to a hospital that is licensed under IC 16-21-2, that is not a unit of state or local government, and is not owned or operated by a unit of state or local government.

(f) As used in this section, "SECTION 281 hospital assessment fee committee" refers to the hospital assessment fee committee established by P.L.229-2011, SECTION 281, subsection (e).

(g) The following providers are eligible for Medicaid disproportionate share payments under this section:

(1) A hospital or psychiatric institution described in Attachment 4.19-A, Section III, page 6.1(a) of the Medicaid state plan in effect July 1, 2011.

(2) A hospital that satisfies the following for the state fiscal year for which Medicaid disproportionate share payments are made under this section:

(A) A nongovernmental hospital that:

(i) has a Medicaid inpatient utilization rate for the state fiscal year that is at least equal to the mean Medicaid inpatient utilization rate as calculated for purposes of determining Medicaid disproportionate share eligibility, but does not equal or exceed one (1) standard deviation above the mean Medicaid inpatient utilization rate; and

(ii) satisfies the obstetric service provisions of 42 U.S.C. 1396r-4(d).

(B) A hospital established and operated under IC 16-22-2 or IC 16-23 that:

(i) has a Medicaid inpatient utilization rate for the state fiscal year greater than one percent (1%); and

(ii) satisfies the obstetric service provisions of 42 U.S.C. 1396r-4(d).

(3) A nongovernmental hospital that satisfies the following for the

state fiscal year for which Medicaid disproportionate share payments are made under this section:

(A) The hospital has a Medicaid inpatient utilization rate for the state fiscal year that is less than the mean Medicaid inpatient utilization rate, as calculated for purposes of determining Medicaid disproportionate share eligibility, but is at least greater than one percent (1%).

(B) The hospital satisfies the obstetric service provisions of 42 U.S.C. 1396r-4(d).

(h) This subsection applies to a payment of Medicaid disproportionate share payments, if any, to hospitals described in subsection (g)(2) and (g)(3). For Medicaid disproportionate share payments for the state fiscal year beginning July 1, 2012, the office, subject to approval by the SECTION 281 hospital assessment fee committee, may develop and implement a Medicaid state plan amendment that provides Medicaid disproportionate share payments for the hospitals described in:

(1) subsection (g)(2), as long as each hospital and psychiatric institution described in subsection (g)(1) has received a Medicaid disproportionate share payment for the state fiscal year in an amount equal to either:

(A) the hospital specific limit; or

(B) the municipal hospital payment amount;

for the hospital or psychiatric institution for the state fiscal year; and

(2) subsection (g)(3), as long as each hospital described in subsection (g)(2) has received a Medicaid disproportionate share payment for the state fiscal year in an amount equal to the hospital specific limit for the hospital for the state fiscal year.

(i) This subsection applies to a payment of Medicaid disproportionate share payments, if any, to hospitals described in subsection (g)(2) and (g)(3). For Medicaid disproportionate share payments for the state fiscal year beginning July 1, 2013, and each state fiscal year thereafter under this section, the office, subject to the approval by the hospital assessment fee committee, may develop and implement a Medicaid state plan amendment that:

(1) renews, for state fiscal year beginning July 1, 2013, and each state fiscal year thereafter under this section, the Medicaid

disproportionate share provisions of Attachment 4.19-A, Section III, page 6.1(a) of the Medicaid state plan in effect on July 1, 2011;

(2) provides Medicaid disproportionate share payments for the hospitals described in subsection (g)(2), as long as each hospital and psychiatric institution described in subsection (g)(1) has received a Medicaid disproportionate share payment for the state fiscal year in an amount equal to the:

(A) hospital specific limit; or

(B) municipal hospital payment amount;

for the hospital or psychiatric institution for the state fiscal year; and

(3) provides Medicaid disproportionate share payments for the hospitals described in subsection (g)(3), as long as each hospital described in subsection (g)(2) has received a Medicaid disproportionate share payment for the state fiscal year in an amount equal to the hospital specific limit of the hospital for the state fiscal year.

(j) This subsection does not apply to Medicaid disproportionate share payments made to hospitals described in subsection (g)(2)(B) under Attachment 4.19-A, Section III, page 6.1(a) of the Medicaid state plan in effect on July 1, 2011, or any renewal. Nothing in this section:

(1) requires that the hospitals described in subsection (g)(2) or (g)(3) receive Medicaid disproportionate share payments for a state fiscal year;

(2) requires that the ~~hospital~~ **hospitals** described in subsection (g)(2) or (g)(3) receive Medicaid disproportionate share payments for a state fiscal year in an amount equal to the respective hospital specific limits for the state fiscal year; or

(3) prescribes how Medicaid disproportionate share payments are to be distributed among the hospitals described in:

(A) subsection (g)(2); or

(B) subsection (g)(3).

(k) Nothing in this section prohibits the use of unexpended federal Medicaid disproportionate share allotments for a state fiscal year under a program authorized by the SECTION 281 hospital assessment fee committee or the hospital assessment fee committee, as long as each hospital listed in subsection (g)(1), (g)(2), and (g)(3) has received

Medicaid disproportionate share payments for the state fiscal year equal to the hospital specific limit for the hospital for the state fiscal year.

SECTION 65. IC 12-15-35-51, AS AMENDED BY P.L.205-2013, SECTION 207, AND AS AMENDED BY P.L.185-2013, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 51. (a) As used in this section, "advisory committee" refers to the mental health Medicaid quality advisory committee established by subsection (b).

(b) The mental health Medicaid quality advisory committee is established. The advisory committee consists of the following members:

(1) The director of the office or the director's designee, who shall serve as chairperson of the advisory committee.

(2) The director of the division of mental health and addiction or the director's designee.

(3) A representative of a statewide mental health advocacy organization.

(4) A representative of a statewide mental health provider organization.

(5) A representative from a managed care organization that participates in the state's Medicaid program.

(6) A member with expertise in psychiatric research representing an academic institution.

(7) A pharmacist licensed under IC 25-26.

(8) The commissioner of the department of correction or the commissioner's designee.

The governor shall make the appointments for a term of four (4) years under subdivisions (3) through (7) and fill any vacancy on the advisory committee.

(c) The office shall staff the advisory committee. The expenses of the advisory committee shall be paid by the office.

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

department of administration and approved by the budget agency.

(e) Each member of the advisory committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) The affirmative votes of a majority of the voting members appointed to the advisory committee are required by the advisory committee to take action on any measure.

(g) The advisory committee shall advise the office and make recommendations concerning the clinical use of mental health and addiction medications, including the implementation of IC 12-15-35.5-7(c), and consider the following:

(1) Peer reviewed medical literature.

(2) Observational studies.

(3) Health economic studies.

(4) Input from physicians and patients.

(5) Any other information determined by the advisory committee to be appropriate.

(h) The office shall report recommendations made by the advisory committee to the drug utilization review board established by section 19 of this chapter.

(i) The office shall report the following information to the ~~*select joint commission on Medicaid oversight established by IC 2-5-26-3:*~~ *health finance commission established by IC 2-5-23-3:*

(1) The advisory committee's advice and recommendations made under this section.

(2) The number of restrictions implemented under IC 12-15-35.5-7(c) and the outcome of each restriction.

(3) The transition of individuals who are aged, blind, or disabled to the risk based managed care program. ~~*This information shall also be reported to the health finance commission established by IC 2-5-23-3.*~~

(4) Any decision by the office to change the health care delivery system in which Medicaid is provided to recipients.

~~(j) Notwithstanding subsection (b), the initial members appointed to the advisory committee under this section are appointed for the~~

~~following terms:~~

~~(1) Individuals appointed under subsection (b)(3) and (b)(4) are appointed for a term of four (4) years.~~

~~(2) An individual appointed under subsection (b)(5) is appointed for a term of three (3) years.~~

~~(3) An individual appointed under subsection (b)(6) is appointed for a term of two (2) years.~~

~~(4) An individual appointed under subsection (b)(7) is appointed for a term of one (1) year.~~

~~This subsection expires December 31, 2013.~~

SECTION 66. IC 12-17.2-2-14, AS ADDED BY P.L.205-2013, SECTION 210, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 14. (a) As used in this section, "program" refers to the paths to QUALITY program established by subsection (b).~~

~~(b) The paths to QUALITY program is established. The program is a voluntary child care facility quality rating and improvement system implemented by the division in partnership with the following organizations under the trademark "Paths to QUALITY":~~

~~(1) Indiana Association for the Education of Young Children.~~

~~(2) Indiana Association for Child Care Resource and Referral.~~

~~(3) Indiana Head Start Collaboration Office.~~

~~(4) Department of education established by IC 20-19-3-1.~~

~~(5) Early Childhood Alliance.~~

~~(6) 4C of Southern Indiana.~~

~~(c) The program shall use four (4) levels at which a child care facility participating in the program may be rated, with level 4 indicating the highest level of quality child care.~~

~~(d) The office of the secretary shall adopt rules under IC 4-22-2 to administer the paths to QUALITY program rating system. The rules must include procedures that outline eligibility and application procedures for the program, the establishment of procedures relating to the rating process, and the establishment or alteration of standards used in the rating process.~~

~~(e) The office of the secretary shall adopt rules under IC 4-22-2 to establish the steering council of the program to make recommendations to the division on program issues and resources. Rules adopted under this subsection must require that council members be appointed from partner organizations that assist in the implementation of the program~~

~~and serve to coordinate the program plan.~~

SECTION 67. IC 12-17.2-2-14, AS ADDED BY P.L.287-2013, SECTION 5, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 14. (a) The state police department shall release the results of a national criminal history background check conducted in accordance with this article to the division.~~

~~(b) The division may not release records received from the state police department under subsection (a).~~

SECTION 68. IC 12-17.2-2-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.2. (a) As used in this section, "program" refers to the paths to QUALITY program established by subsection (b).**

(b) The paths to QUALITY program is established. The program is a voluntary child care facility quality rating and improvement system implemented by the division in partnership with the following organizations under the trademark "Paths to QUALITY":

(1) Indiana Association for the Education of Young Children.

(2) Indiana Association for Child Care Resource and Referral.

(3) Indiana Head Start Collaboration Office.

(4) Department of education established by IC 20-19-3-1.

(5) Early Childhood Alliance.

(6) 4C of Southern Indiana.

(c) The program shall use four (4) levels at which a child care facility participating in the program may be rated, with Level 4 indicating the highest level of quality child care.

(d) The office of the secretary shall adopt rules under IC 4-22-2 to administer the paths to QUALITY program rating system. The rules must include procedures that outline eligibility and application procedures for the program, the establishment of procedures relating to the rating process, and the establishment or alteration of standards used in the rating process.

(e) The office of the secretary shall adopt rules under IC 4-22-2 to establish the steering council of the program to make recommendations to the division on program issues and resources. Rules adopted under this subsection must require that council members be appointed from partner organizations that assist in

the implementation of the program and serve to coordinate the program plan.

SECTION 69. IC 12-17.2-2-14.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.4. (a) The state police department shall release the results of a national criminal history background check conducted in accordance with this article to the division.**

(b) The division may not release records received from the state police department under subsection (a).

SECTION 70. IC 12-17.2-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.6. Early Learning Advisory Committee; Early Education Matching Grant Program

Sec. 1. As used in this chapter, "committee" refers to the early learning advisory committee established by section 8 of this chapter.

Sec. 2. As used in this chapter, "eligible child" refers to a child who qualifies as an eligible child under section 15 of this chapter.

Sec. 3. As used in this chapter, "eligible provider" refers to an entity that qualifies as an eligible provider under section 16 of this chapter.

Sec. 4. As used in this chapter, "eligible services" refers to a program of early education services that meets the standards of quality recognized by a Level 3 or Level 4 paths to QUALITY program rating.

Sec. 5. As used in this chapter, "fund" refers to the early education matching grant program fund established by section 11 of this chapter.

Sec. 6. As used in this chapter, "grant" refers to a matching grant from the fund.

Sec. 7. As used in this chapter, "program" refers to the early education matching grant program established by this chapter.

Sec. 8. (a) The early learning advisory committee is established.

(b) The committee consists of six (6) members appointed by the governor as follows:

(1) A representative of the department of education.

(2) A representative of the division.

(3) A representative of a Head Start program under 42 U.S.C. 9831 et seq.

(4) A representative of a family advocacy group that has an interest in early childhood education.

(5) An early childhood education provider.

(6) A representative of business with an interest in early childhood education.

(c) The governor shall appoint the chairperson of the committee.

(d) The division shall staff the committee.

(e) The expenses of the committee shall be paid from the funds of the division.

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

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

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

(i) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

Sec. 9. (a) The committee shall do the following:

(1) Conduct periodic statewide needs assessments concerning the quality and availability of early education programs for

children from birth to the age of school entry, including the availability of high quality prekindergarten education for low income children in Indiana.

(2) Identify opportunities for, and barriers to, collaboration and coordination among federally and state funded child development, child care, and early childhood education programs and services, including governmental agencies that administer the programs and services.

(3) Assess the capacity and effectiveness of two (2) and four (4) year public and private higher education institutions in Indiana for the support of development of early educators, including:

(A) professional development and career advancement plans; and

(B) practice or internships with Head Start or prekindergarten programs.

(4) Recommend to the division procedures, policies, and eligibility criteria for the program.

(5) Other duties as determined necessary by the chairperson of the committee.

(b) Not later than June 30 of each year, the committee shall develop and make recommendations to the governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the committee's work under this section.

Sec. 10. The division shall administer an early education matching grant program in compliance with this chapter. The division may establish procedures, forms, and standards to carry out this chapter. The office of the secretary may adopt rules under IC 4-22-2 to carry out this chapter.

Sec. 11. (a) The early education matching grant program fund is established for the purpose of providing matching grants to providers of eligible services. The fund shall be administered by the division.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Grants and gifts that the state receives for the fund under terms, obligations, and liabilities that the division considers appropriate.

(c) The treasurer of state shall invest the money in the fund not

currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. The fund is a trust fund and may not be transferred to another fund under IC 4-9.1-1-7.

Sec. 12. The division shall establish an application process for grants from the fund.

Sec. 13. The division may award a grant from the fund to an applicant that:

(1) agrees to operate as an eligible provider;

(2) either:

(A) has obtained a matching gift or grant; or

(B) has a commitment for a matching gift or grant;

from any combination of foundations, other nonprofit entities, individuals, or for-profit entities for the purposes of the applicant's program of eligible services;

(3) provides the division with a plan for use of the grant and any related matching funds that demonstrates to the satisfaction of the division that use of the grant and related matching funds will increase the number of eligible children receiving eligible services;

(4) enters into a written agreement with the division concerning the delivery of eligible services and the use of a grant provided under this chapter that incorporates the plan approved by the division under subdivision (3); and

(5) provides to the division any other information that the division determines necessary or appropriate for the grant.

Sec. 14. Foundations, nonprofit entities, individuals, and for-profit entities may contribute an amount to the fund:

(1) for the purposes of providing a matching gift or grant described in section 13(2) of this chapter; or

(2) as unrestricted funds.

Sec. 15. To qualify as an eligible child, the child must be:

(1) a member of a household with an annual income that does not exceed one hundred percent (100%) of the federal poverty level;

(2) at least four (4) years of age and less than five (5) years of age when the child receives eligible services; and

(3) a resident of Indiana or otherwise have legal settlement in Indiana, as determined under IC 20-26-11.

Sec. 16. To qualify as an eligible provider, an applicant must:

(1) be an entity other than an individual;

(2) provide eligible services to individuals for at least one hundred eighty (180) days per year;

(3) administer the kindergarten readiness assessment (ISTAR-KR) adopted by the department of education to children receiving eligible services as required by the division;

(4) include a parental involvement component in the delivery of eligible services that is based on the requirements and guidelines established by the division;

(5) comply with the agreement with the division concerning the delivery of eligible services and the use of a grant provided under this chapter; and

(6) comply with any other standards and procedures established under this chapter.

Sec. 17. The division shall monitor for compliance of a recipient of a grant with the terms of the grant.

Sec. 18. (a) The division shall monitor the educational outcomes resulting from the delivery of eligible services by eligible providers that receive a grant under this chapter over the period established by the division to evaluate the contribution that eligible services make toward improved education outcomes.

(b) The division shall provide the department of education with information necessary for the department of education to assign a child who receives early education services from a provider that participates in the program under this chapter a student testing number. Upon receipt of the information, the department of education shall assign the child a student testing number to track the child's educational growth and development.

(c) The department of education shall cooperate with the division as necessary or appropriate to assist the division to carry out this section, including the sharing of information related to the educational outcomes assigned a student testing number under subsection (b) to the extent permitted by the laws governing the disclosure of student information.

(d) Beginning in 2015, the division shall annually provide the committee, the governor, and (in an electronic format under

IC 5-14-6) the legislative council a report of the findings of the division under this section in a form that complies with all laws governing the disclosure of student information.

SECTION 71. IC 12-17.2-3.7, AS ADDED BY P.L.205-2013, SECTION 211, IS REPEALED [EFFECTIVE UPON PASSAGE]. (Early Learning Advisory Committee; Early Education Matching Grant Program).

SECTION 72. IC 12-17.2-3.7, AS ADDED BY P.L.267-2013, SECTION 3, IS REPEALED [EFFECTIVE UPON PASSAGE]. (Early Education Evaluation Program).

SECTION 73. IC 12-17.2-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.8. Early Education Evaluation Program

Sec. 1. As used in this chapter, "Paths to QUALITY program" refers to a voluntary quality rating and improvement system for child care administered:

(1) statewide by the division; and

(2) under the trademark "Paths to QUALITY".

Sec. 2. As used in this chapter, "program" refers to the early education evaluation program established by section 3 of this chapter.

Sec. 3. The early education evaluation program is established to gather data concerning the school readiness of low income children who have received early education services through providers with programs of demonstrated quality that require parental involvement in the children's education.

Sec. 4. (a) The division shall conduct a study of the school readiness of low income children receiving early education services from providers that:

(1) meet the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating; and

(2) require parental involvement based on the guidelines developed under section 7 of this chapter.

(b) The division shall select representative providers in multiple locations across Indiana who administer kindergarten readiness assessments and other indicators of school readiness to children receiving services from the providers to participate in the program. The division shall work with the department of education

to assign student testing numbers to low income children completing kindergarten readiness assessments.

(c) Not later than October 1 of each year, the division shall prepare an annual report of the results of the program and provide the report to the governor, to the department of education, and, in an electronic format under IC 5-14-6, to the legislative council.

(d) The division shall administer the program, which must begin on July 1, 2013.

Sec. 5. (a) The early learning advisory committee is established to do the following:

(1) Conduct periodic statewide needs assessments concerning the quality and availability of early education programs for children from birth to the age of school entry, including the availability of high quality prekindergarten education for low income children in Indiana.

(2) Identify opportunities for, and barriers to, collaboration and coordination among federally and state funded child development, child care, and early childhood education programs and services, including governmental agencies that administer the programs and services.

(3) Assess the capacity and effectiveness of two (2) and four (4) year public and private higher education institutions in Indiana for the support of development of early educators, including:

(A) professional development and career advancement plans; and

(B) practice or internships with Head Start or prekindergarten programs.

(4) Other duties as determined necessary by the chairperson of the committee.

(5) Not later than June 30 of each year, develop and make recommendations to the governor and, in an electronic format under IC 5-14-6, to the legislative council concerning the results of the committee's work under subdivisions (1) through (4).

(b) The committee consists of six (6) members appointed by the governor as follows:

(1) A representative of the department of education.

(2) A representative of the division.

(3) A representative of a Head Start program under 42 U.S.C. 9831 et seq.

(4) A representative of a family advocacy group that has an interest in early childhood education.

(5) An early childhood education provider.

(6) A representative of business with an interest in early childhood education.

(c) The governor shall appoint the chairperson of the committee.

(d) The division shall staff the committee.

(e) The expenses of the committee shall be paid from the funds of the division.

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

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

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

(i) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

Sec. 6. The division shall provide the department of education with information necessary for the department of education to assign a child who receives early education services from a

provider who participates in the program under this chapter a student testing number. Upon receipt of the information, the department of education shall assign the child a student testing number to track the child's educational growth and development.

Sec. 7. The division shall develop and maintain guidelines for the inclusion in every provider's services under this chapter of a component increasing parental engagement and involvement in the child's education.

SECTION 74. IC 12-29-2-2, AS AMENDED BY P.L.123-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county shall fund the operation of community mental health centers in the amount determined under subsection (b), unless a lower tax levy amount will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

(1) If the total population of the county is served by one (1) center.

(2) If the total population of the county is served by more than one (1) center.

(3) If the partial population of the county is served by one (1) center.

(4) If the partial population of the county is served by more than one (1) center.

(b) The amount of funding under subsection (a) for taxes first due and payable in a calendar year is the following:

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that was levied within the county to comply with this section from property taxes first due and payable in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) Except as provided in subsection (c), for 2005 and each year thereafter, the result equal to:

(A) the amount that was levied in the county to comply with this section from property taxes first due and payable in the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

(c) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30. Notwithstanding any provision in this section or any other section of this chapter, for a county subject to this subsection, the county's maximum property tax levy under this section to fund the operation of community mental health centers for the ensuing calendar year is equal to the county's maximum property tax levy to fund the operation of community mental health centers for the current calendar year.

(d) Except as provided in subsection (h), the county shall pay to the division of mental health and addiction the part of the funding determined under subsection (b) that is appropriated solely for funding the operations of a community health center. The funding required under this section for operations of a community health center shall be paid by the county to the division of mental health and addiction. These funds shall be used solely for satisfying the non-federal share of medical assistance payments to community mental health centers serving the county for:

(1) allowable administrative services; and

(2) community mental health rehabilitation services.

All other funding appropriated for the purposes allowed under section 1.2(b)(1) of this chapter shall be paid by the county directly to the community mental health center semiannually at the times that the payments are made under subsection (e).

(e) The county shall appropriate and disburse the funds for operations semiannually not later than December 1 and June 1 in an amount equal to the amount determined under subsection (b) and requested in writing by the division of mental health and addiction. The total funding amount paid to the division of mental health and

addiction for a county for each calendar year may not exceed the amount that is calculated in subsection (b) and set forth in writing by the division of mental health and addiction for the county. Funds paid to the division of mental health and addiction by the county shall be submitted by the county in a timely manner after receiving the written request from the division of mental health and addiction, to ensure current year compliance with the community mental health rehabilitation program and any administrative requirements of the program.

(f) The division of mental health and addiction shall ensure that the non-federal share of funding received from a county under this program is applied only for matching federal funds for the designated community mental health centers to the extent a center is eligible to receive county funding under ~~IC 12-21-2-3(a)(5)(E).~~ **IC 12-21-2-3(5)(D).**

(g) The division of mental health and addiction:

(1) shall first apply state funding to a community mental health center's non-federal share of funding under this program; and

(2) may next apply county funding received under ~~IC 12-29-2-2~~ **this section** to any remaining non-federal share of funding for the community mental health center.

The division shall distribute any excess state funds that exceed the community mental health rehabilitation services non-federal share applied to a community mental health center that is entitled to the excess state funds.

(h) The health and hospital corporation of Marion County created by IC 16-22-8-6 may make payments to the division for the operation of a community mental health center as described in this chapter.

SECTION 75. IC 14-9-5-4, AS AMENDED BY P.L.124-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this section, "account" means the Indiana sportsmen's benevolence account established by subsection (b).

(b) The Indiana sportsmen's benevolence account is established within the fund for the division of law enforcement to encourage citizen participation in feeding the state's hungry through donations of wild game that has been lawfully hunted.

(c) The account consists of:

(1) gifts;

(2) donations;

(3) proceeds derived from marketing by the division of law enforcement of goods related to the feeding of the state's hungry through donations of wild game under subsection ~~(a);~~ **(b);** and

(4) donations collected under IC 14-22-12-1(c).

(d) The expenses of administering the account shall be paid from money in the account.

(e) The division of law enforcement shall:

(1) conduct a publicity campaign relating to feeding the state's hungry through donations of wild game;

(2) coordinate with nonprofit entities and other entities created with goals of feeding the state's hungry;

(3) coordinate with nonprofit entities to use the money collected under IC 14-22-12-1(c) to assist meat processors in processing donations of wild game related to feeding the state's hungry; and

(4) engage in any other activities to further the goals of this section.

(f) A person who receives money from the fund must submit a budget request for providing estimated payments to participating meat processors for the number of donated wild game animals to be included in the program. The division of law enforcement must certify the information on the application and determine:

(1) whether the participating meat processor may receive a grant; and

(2) the amount of the grant each participating meat processor may receive under this section.

(g) An eligible meat processor may use money granted to the meat processor from the account as authorized under this section. However, an eligible meat processor must submit to the division of law enforcement any information that is requested of the meat processor. At the request of the division of law enforcement or the state board of accounts, the eligible meat processor shall submit to an audit of the funds received.

(h) The division of law enforcement shall make grant distributions under this section to eligible meat processors as soon as practical after receipt of an approved invoice for payment.

(i) The department shall adopt rules under IC 4-22-2 to implement

this chapter, including rules governing:

(1) the deadlines for applying for a grant under this section;

(2) the types of expenses incurred for which grant money may be used; and

(3) any expense documentation required to satisfy program accounting needs.

(j) Money in the account is annually appropriated for the purposes described in this section.

(k) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(l) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 76. IC 14-22-12-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7. (a) Before July 1, 2005, the director may issue to residents of Indiana lifetime licenses to hunt, fish, or trap. Subject to subsection (b), the following license fees shall be charged:~~

~~(1) Lifetime basic fishing license, twenty (20) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish.~~

~~(2) Lifetime basic hunting license, twenty (20) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt.~~

~~(3) Lifetime comprehensive fishing license, thirty (30) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species.~~

~~(4) Lifetime comprehensive hunting license, sixty (60) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.~~

~~(5) Lifetime comprehensive hunting and fishing license, the fee charged under subdivisions (3) and (4) less ten percent (10%). This license replaces the following:~~

~~(A) The resident yearly license to hunt.~~

~~(B) All other yearly licenses, stamps, or permits to hunt for a~~

~~specific species or by a specific means.~~

~~(C) The resident yearly license to fish.~~

~~(D) All other yearly licenses, stamps, or permits to fish for a specific species.~~

~~(6) Lifetime trapping license, twenty (20) times the fee charged for a resident yearly license to trap. This license replaces the resident yearly license to trap.~~

~~(b) This subsection applies only to individuals who are at least fifty (50) years of age. The license fees under subsection (a) shall be reduced by the amount determined under STEP THREE of the following formula:~~

~~STEP ONE: Subtract forty-nine (49) from the resident applicant's age in years.~~

~~STEP TWO: Multiply the difference determined under STEP ONE by two and one-half percent (2.5%).~~

~~STEP THREE: Multiply the percentage determined under STEP TWO by the amount of the appropriate fee under subsection (a).~~

~~(c) Each lifetime license:~~

~~(1) is nontransferable;~~

~~(2) expires on the death of the person to whom the license was issued; and~~

~~(3) may be suspended or revoked for the same causes and according to the same procedures that a resident yearly license to hunt, fish, or trap, as appropriate, may be suspended or revoked.~~

~~(d) No part of a lifetime hunting, fishing, or trapping license is refundable. However, the holder of:~~

~~(1) a basic license to hunt or fish may be given credit for the current cost of such a license when purchasing a comprehensive license to hunt or fish or hunt and fish; and~~

~~(2) a comprehensive license to hunt or fish may be given credit for the current cost of such a license when purchasing a lifetime comprehensive license to hunt and fish.~~

~~(e) All money received under this section shall be deposited in the lifetime hunting, fishing, and trapping license trust fund established by IC 14-22-4.~~

SECTION 77. IC 16-21-10-7, AS ADDED BY P.L.205-2013, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The hospital assessment

fee committee is established. The committee consists of the following four (4) voting members:

(1) The secretary of family and social services ~~established by IC 12-8-1.5-1,~~ **appointed under IC 12-8-1.5-2** or the secretary's designee, who shall serve as the chair of the committee.

(2) The budget director or the budget director's designee.

(3) Two (2) individuals appointed by the governor from a list of at least four (4) individuals submitted by the Indiana Hospital Association.

If a vacancy occurs among the members appointed under subdivision (3), the governor shall appoint a replacement committee member from a list of at least two (2) individuals submitted by the Indiana Hospital Association.

(b) The committee shall review any Medicaid state plan amendments, waiver requests, or revisions to any Medicaid state plan amendments or waiver requests, to implement or continue the implementation of this chapter for the purpose of establishing favorable review of the amendments, requests, and revisions by the United States Department of Health and Human Services.

(c) The committee shall meet at the call of the chair. The members serve without compensation.

(d) A quorum consists of at least three (3) members. An affirmative vote of at least three (3) members of the committee is necessary to approve Medicaid state plan amendments, waiver requests, or revisions to the Medicaid state plan or waiver requests.

SECTION 78. IC 16-36-6-20, AS ADDED BY P.L.164-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. The execution or revocation of a POST form by or for a qualified person does not revoke or impair the validity of any of the following:

(1) A power of attorney that is executed by a qualified person when the qualified person is competent.

(2) Health care powers that are granted to an attorney in fact under IC 30-5-5-16 or IC 30-5-5-17.

(3) An appointment of a health care representative that is executed by a qualified person, except to the extent that the POST form contains a superseding appointment of a new health care representative under section 9(b)(7) of this chapter.

(4) The authority of a health care representative under IC 16-36-1 to consent to health care on behalf of the qualified ~~patient.~~ **person.**

(5) The authority of an attorney in fact holding health care powers under IC 30-5-5-16 or IC 30-5-5-17 to issue and enforce instructions under IC 30-5-7 concerning the qualified person's health care.

SECTION 79. IC 16-38-5-2, AS AMENDED BY P.L.191-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (c), a provider, a physician's designee, a pharmacist's designee, or a person approved by the state department may provide immunization data to the immunization data registry in a manner prescribed by the state department and for the purposes allowed under this chapter.

(b) This subsection takes effect July 1, 2015. Except as provided in subsections (c) and (e), a provider who is licensed under IC 25 and who is authorized within the provider's scope of practice to administer immunizations or the provider's designee shall electronically provide immunization data to the immunization data registry for all immunizations administered to individuals who are less than nineteen (19) years of age:

(1) not later than seven (7) business days after providing the immunization;

(2) in a manner prescribed by the state department, after reasonable notice; and

(3) for the purposes allowed under this chapter.

(c) A person is exempt from providing immunization data to the immunization data registry if:

(1) the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has completed and filed a written immunization data exemption form with either the person who provides the immunization or the state department; or

(2) the patient is a resident of or is receiving services from a facility licensed under IC 16-28.

(d) The minimum immunization data that must be provided under subsection (b) ~~is:~~ **are the following:**

(1) Patient identification number.

(2) Patient first and last name.

(3) Patient date of birth.
(4) Patient address.
(5) Patient race.
(6) Patient gender.
(7) Vaccine for Children program eligibility, if the patient is eligible for the Vaccine for Children program.
(8) Dose at the administration level under the Vaccine for Children program, if the patient is eligible for the Vaccine for Children program.
(9) Vaccination presentation or vaccination code using approved Immunization Information System (IIS) code type.
(10) Vaccination date administered.
(11) Lot number of the administered vaccine.

The state department may expand or modify the list of minimum immunization data that must be provided under this section based on Centers for Disease Control Immunization Information System (IIS) minimum field requirements.

(e) A provider who is unable to electronically provide immunization data to the immunization **data** registry by July 1, 2015, shall submit a detailed plan for compliance with the requirements of subsection (b) to the state department no later than March 31, 2015. The state department will assist the provider so the provider is able to electronically provide immunization data in a reasonable amount of time.

(f) The state department shall create and provide copies of immunization data exemption forms to:

(1) providers who are:
(A) licensed under IC 25; and
(B) authorized within the provider's scope of practice to administer immunizations; and
(2) individuals;

who request the form.

(g) The state department shall distribute, upon request, written information to be disseminated to patients that describes the immunization data registry. The written information must include the following:

(1) That, beginning July 1, 2015, the provider is required to report immunization data to the immunization data registry.

(2) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has a right to exempt disclosure of immunization data to the registry and may prevent disclosure by signing an immunization data exemption form.

(3) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, may have the individual's information removed from the immunization data registry.

(4) Instructions on how to have the information removed.

SECTION 80. IC 16-49-2-7, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Not later than ninety (90) days after the first meeting of the child fatality committee, the prosecuting attorney of the county or prosecuting attorney's representative shall submit a report to the state child fatality review coordinator that includes the following information:

(1) Whether the child fatality committee established a:

(A) county child fatality review team; or

(B) regional child fatality review team.

(2) The names and contact numbers of all of the members of the local child fatality review team.

(3) Whether the child fatality committee will or has entered into a ~~memorandum of understanding~~ **written agreement** described under section 3(3) of this chapter.

(4) Any assistance the child fatality committee would like from the state child fatality review coordinator in forming the local child fatality review team.

SECTION 81. IC 16-49-3-7, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A local child fatality review team shall prepare and release a report that may include the following information:

(1) A summary of the data collected regarding the reviews conducted by the local child fatality review team.

(2) Actions ~~recommend~~ **recommended** by the local child fatality review team to prevent injuries to children and child deaths in the area served by the local child fatality review team.

(3) Solutions proposed for system inadequacies.

(b) A report released under this section may not contain identifying information relating to the fatalities reviewed by the local child fatality review team.

(c) Except as otherwise provided in this article, review data concerning a child fatality is confidential and may not be released.

(d) A local child fatality review team may prepare and release a joint report for the report required by subsection (a) with another child fatality review team if the local child fatality review team reviewed fewer than two (2) child fatalities in the previous calendar year.

SECTION 82. IC 20-23-5-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. An annexation may be effected by any school corporation as follows:

(1) The acquiring and the losing school corporations shall each adopt a substantially identical annexation resolution. The resolution must contain the following items:

(A) The name of the acquiring school corporation, which may differ from the name of the acquiring corporation at the time of the adoption of the resolution, after the effective date.

(B) A description of the annexed territory. The description: ~~shall as near as reasonably possible:~~

(i) **must, to the greatest extent reasonably possible,** be by streets and other boundaries known by common names; and

(ii) does not have to be by legal description unless the additional description is necessary to identify the annexed territory.

A notice is not defective if there is a good faith compliance with this section and if the area designated may be ascertained with reasonable certainty by persons skilled in the area of real estate description.

(C) The time the annexation takes place.

(D) Any terms and conditions facilitating education of students in the:

(i) annexed territory;

(ii) losing school corporation; or

(iii) acquiring school corporation.

The terms may provide for the continued attendance by

students in the annexed territory at schools in the losing school corporation for specified periods after annexation on a transfer basis. If students will continue attendance in schools in the losing school corporation, transfer tuition for the students shall be paid by the acquiring school corporation to the losing school corporation:

(i) using the method; and

(ii) at the rates;

provided by the Indiana statutes governing the computation and payment of transfer tuition costs.

(E) Disposition of assets and liabilities of the losing school corporation to the acquiring school corporation.

(F) Allocation between the acquiring and losing school corporations of subsequently collected school taxes levied on property in the annexed territory.

(G) The amount, if any, to be paid by the acquiring school corporation to the losing school corporation on account of property received from the losing school corporation.

(H) Dispositions, allocations, and amounts transferred under this subsection must be equitable.

(2) After the adoption of the resolution, notice shall be given by publication in both the acquiring school corporation and the losing school corporation setting out:

(A) the text of the resolution; and

(B) a statement that the resolution has been adopted and that a right of remonstrance exists as provided in this chapter.

(3) It is not necessary to set out the remonstrance provisions of this chapter. A general reference to a right of remonstrance with a reference to this chapter is sufficient.

(4) The annexation takes effect:

(A) within thirty (30) days after publication; or

(B) at the time provided in the resolution;

whichever is later, unless within the period during which a remonstrance may be filed a remonstrance is filed in the circuit or superior court of the county where the annexed territory or any part of the annexed territory is located, by registered voters residing in the losing school corporation at least equal in number to the greater of ten percent (10%) of the number of registered

voters residing in the losing school corporation or fifty-one percent (51%) of the number of registered voters residing in the annexed territory.

SECTION 83. IC 20-26-5-4, AS AMENDED BY P.L.205-2013, SECTION 240, AND AS AMENDED BY P.L.286-2013, SECTION 57, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. *(a)* In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's *ADM of the* previous ~~*year's ADM,*~~ *year (as defined in IC 20-43-1-7)* to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To **do the following:**

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings,

additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To **do the following:**

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school

purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with ~~*IC 20-28-9-1.*~~ *IC 20-28-9-1.5.*

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation that are consistent with ~~*IC 20-28-9-1.*~~ *IC 20-28-9-1.5.*

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the

employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase ~~*textbooks,*~~ *curricular materials,* to furnish ~~*textbooks*~~ *curricular materials* without cost or to rent ~~*textbooks*~~ *curricular materials* to students, to participate in a ~~*textbook*~~ *curricular materials* aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a

program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools,

property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection (a)(8):

(1) is not required to hold a teacher's license under IC 20-28-5; and

(2) is required to have obtained at least a master's degree from an accredited postsecondary educational institution.

SECTION 84. IC 20-26-11-22, AS AMENDED BY P.L.205-2013, SECTION 243, AND AS AMENDED BY P.L.286-2013, SECTION 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) The transferee corporation is entitled to receive from the transferor corporation transfer tuition for each transferred student for each school year calculated in two (2) parts **as follows:**

(1) Operating cost. ~~and~~

(2) Capital cost.

These costs must be allocated on a per student basis separately for each class of school.

(b) The operating cost for each class of school must be based on the total expenditures of the transferee corporation for the class from its general fund expenditures as set out on the classified budget forms prescribed by the state board of accounts, excluding from the calculation capital outlay, debt service, costs of transportation, salaries of board members, contracted service for legal expenses, and any expenditure that is made out of the general fund from extracurricular account receipts, for the school year.

(c) The capital cost for each class of school must consist of the lesser of the following alternatives:

(1) The capital cost must be based on an amount equal to five percent (5%) of the cost of transferee corporation's physical plant, equipment, and all items connected to the physical plant or equipment, including:

(A) buildings, additions, and remodeling to the buildings, excluding ordinary maintenance; and

(B) on-site and off-site improvements such as walks, sewers, waterlines, drives, and playgrounds;

that have been paid or are obligated to be paid in the future out of the general fund, capital projects fund, or debt service fund, including principal and interest, lease rental payments, and funds that were legal predecessors to these funds. If an item of the physical plant, equipment, appurtenances, or part of the item is more than twenty (20) years old at the beginning of the school year, the capital cost of the item shall be disregarded in making the capital cost computation.

(2) The capital cost must be based on the amount budgeted from the general fund for capital outlay for physical plant, equipment, and appurtenances and the amounts levied for the debt service fund and the capital projects fund for the calendar year in which the school year ends.

(d) If an item of expense or cost cannot be allocated to a class of school, the item shall be prorated to all classes of schools on the basis of the ADM of each class in the transferee corporation, *as determined in the fall count of ADM in the school year,* compared to the total *current* ADM therein, *as determined in the fall count of ADM in the*

school year.

(e) The transfer tuition for each student transferred for each school year shall be calculated by dividing the transferee school corporation's total operating costs and the total capital costs for the class of school in which the student is enrolled by the ADM of students therein, *as determined in the fall count of ADM in the school year.* If a transferred student is enrolled in a transferee corporation for less than the full school year, the transfer tuition shall be calculated by the proportion of such school year for which the transferred student is enrolled. A school year for this purpose consists of the number of days school is in session for student attendance. A student shall be enrolled in a transferee school, whether or not the student is in attendance, unless the:

(1) student's residence is outside the area of students transferred to the transferee corporation;

(2) student has been excluded or expelled from school; or

(3) student has been confirmed as a school dropout.

The transferor and transferee corporations may enter into written agreements concerning the amount of transfer tuition. If an agreement cannot be reached, the amount shall be determined by the state superintendent, with costs to be established, where in dispute, by the state board of accounts.

(f) The transferor corporation shall pay the transferee corporation, when billed, the amount of ~~*book*~~ *curricular material* rental due from transferred students who are unable to pay the ~~*book*~~ *curricular material* rental amount. The transferor corporation is entitled to collect the amount of the ~~*book*~~ *curricular material* rental from the appropriate township trustee, from its own funds, or from any other source, in the amounts and manner provided by law.

SECTION 85. IC 20-31-8-5, AS ADDED BY P.L.205-2013, SECTION 256, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 5. The state board shall establish an alternative accountability system to assess the performance of a charter school that is sponsored by the Indiana charter school board established by IC 20-24-2.1-1 and designated as a recovery school or an accelerated learning center.~~

SECTION 86. IC 20-31-8-5, AS ADDED BY P.L.286-2013, SECTION 105, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 5. (a) Not later than November 15, 2013, the state board shall establish new categories or designations of school performance under the~~

~~requirements of this chapter to replace 511 IAC 6.2-6. The new standards of assessing school performance:~~

~~(1) must be based on a measurement of individual student academic performance and growth to proficiency; and~~

~~(2) may not be based on a measurement of student performance or growth compared with peers.~~

~~511 IAC 6.2-6 is void on the effective date of the emergency or final rules adopted under this section.~~

~~(b) After July 1, 2013, the state board:~~

~~(1) shall adopt rules under IC 4-22-2; and~~

~~(2) may adopt emergency rules in the manner provided in IC 4-22-2-37.1;~~

~~to implement this chapter.~~

~~(c) An emergency rule adopted under subsection (b) expires on the earlier of:~~

~~(1) November 15, 2014; or~~

~~(2) the effective date of a rule that establishes categories or designations of school improvement described in this section and supersedes the emergency rule.~~

~~(d) Before beginning the rulemaking process to establish new categories or designations of school improvement, the state board shall report to the general assembly the proposed new categories or designations in an electronic format under IC 5-14-6.~~

SECTION 87. IC 20-31-8-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.2. The state board shall establish an alternative accountability system to assess the performance of a charter school that is sponsored by the Indiana charter school board established by IC 20-24-2.1-1 and designated as a recovery school or an accelerated learning center.**

SECTION 88. IC 20-31-8-5.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.4. (a) Not later than November 15, 2013, the state board shall establish new categories or designations of school performance under the requirements of this chapter to replace 511 IAC 6.2-6. The new standards of assessing school performance:**

(1) must be based on a measurement of individual student

academic performance and growth to proficiency; and

(2) may not be based on a measurement of student performance or growth compared with peers.

511 IAC 6.2-6 is void on the effective date of the emergency or final rules adopted under this section.

(b) After July 1, 2013, the state board:

(1) shall adopt rules under IC 4-22-2; and

(2) may adopt emergency rules in the manner provided in IC 4-22-2-37.1;

to implement this chapter.

(c) An emergency rule adopted under subsection (b) expires on the earlier of:

(1) November 15, 2014; or

(2) the effective date of a rule that establishes categories or designations of school improvement described in this section and supersedes the emergency rule.

(d) Before beginning the rulemaking process to establish new categories or designations of school improvement, the state board shall report to the general assembly the proposed new categories or designations in an electronic format under IC 5-14-6.

SECTION 89. IC 20-33-3-6, AS AMENDED BY P.L.41-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) An employment certificate is not required for a child who is at least fourteen (14) years of age but less than eighteen (18) years of age to:

(1) perform:

(A) farm labor; or

(B) domestic service; or

(2) act as a:

(A) caddie for a person playing golf; or

(B) newspaper carrier.

(b) An employment certificate is not required for a child who is:

(1) at least twelve (12) years of age but less than eighteen (18) years of age; and

(2) employed **or works** as a youth athletic program referee, umpire, or official under section 31.5 of this chapter.

(c) An exemption under subsection (a) or (b) applies only when a child is engaged in an occupation listed in this section during the hours

when the child is not required to be in school.

(d) An employment certificate is not required for a child less than eighteen (18) years of age who:

(1) works as an actor or performer if the provisions of section 32 of this chapter are met; or

(2) has graduated from high school.

SECTION 90. IC 20-33-3-31, AS AMENDED BY P.L.41-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) This subsection does not apply to a child who is employed **or works** as a youth athletic program referee, umpire, or official under section 31.5 of this chapter. A child less than:

(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, caddie for persons playing the game of golf, or newspaper carrier; and

(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the child's parent.

(b) Except as provided in section 32 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any child less than eighteen (18) years of age to work in any occupation after 7:30 a.m. and before 3:30 p.m. on a school day unless the child presents to the employer a written exception issued by the school that the child attends.

SECTION 91. IC 21-12-1.7-3, AS ADDED BY P.L.281-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies to an academic year beginning after August 31, 2014. The commission shall publish annually a schedule of award amounts for the higher education award and freedom of choice grant issued under this article. The schedule must provide award amounts on the basis of the recipient's expected family contribution. The expected family contribution shall be derived from information submitted on the recipient's financial aid application form. The commission shall determine award amounts separately for:

(1) recipients attending approved public state educational institutions (except Ivy Tech Community College);

(2) Ivy Tech Community College;

(3) recipients attending a nonprofit college or university listed in ~~IC 21-7-13-6(c);~~ **IC 21-7-13-6(a)(1)(C);** and

(4) recipients attending approved postsecondary credit bearing proprietary institutions.

(b) The schedule of award amounts published under subsection (a) shall offer a larger award to a recipient who, as of the student's most recently concluded academic year, has successfully completed:

(1) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;

(2) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; or

(3) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years.

(c) The schedule of award amounts shall set forth an amount for recipients described in subsection (a)(1) that is equal to fifty percent (50%) of the amount for recipients described in subsection (a)(3).

(d) This subsection expires September 1, 2016. A student that initially enrolls in an eligible institution for an academic year beginning before September 1, 2013, is eligible for the larger award determined under subsection (b) regardless of the student's credit completion.

SECTION 92. IC 21-12-13-2, AS AMENDED BY P.L.205-2013, SECTION 314, AND AS AMENDED BY P.L.281-2013, SECTION 28, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies to the following scholarship, *stipend,* and fee remission statutes:

(1) IC 21-12-3.

(2) IC 21-12-4.

(3) IC 21-12-6.

(4) IC 21-12-8.

(5) IC 21-12-9.

(6) IC 21-13-2.

~~*(7) IC 21-13-3.*~~

(7) IC 21-13-7.

(8) IC 21-13-8.

~~*(8)*~~ *(9)* IC 21-13-4.

~~*(9)*~~ *(10)* IC 21-14-5.

~~*(10)*~~ *(11)* IC 21-14-6-2.

(b) Except as provided in ~~*sections*~~ *section 3* ~~*and 4*~~ of this chapter, a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed ~~*eight (8)*~~ *the number of terms that constitutes four (4)* ~~*full-time*~~ undergraduate ~~*semesters*~~ *academic years,* ~~*or its equivalent,*~~ as determined by the commission, and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

SECTION 93. IC 21-13-2-6, AS AMENDED BY P.L.205-2013, SECTION 320, AND AS AMENDED BY P.L.281-2013, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Subject to section 12 of this chapter, a scholarship may be renewed under this chapter for a total scholarship award that does not exceed the number of *academic* terms that constitutes four (4) *undergraduate* academic years. However, an eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.

SECTION 94. IC 21-13-9-7, AS ADDED BY P.L.205-2013, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) To receive a distribution under this chapter, the Marian University College of Osteopathic Medicine shall make a written request for the distribution to the commission ~~on~~ **for** higher education specifying the amount of the distribution requested. The commission ~~on~~ **for** higher education shall review the request and determine the amount of the request that should be approved for distribution.

(b) The budget agency may not allot money appropriated for scholarship distributions under this chapter until after the distribution request by the Marian University College of Osteopathic Medicine is approved by the commission ~~on~~ **for** higher education, after review by the budget committee.

SECTION 95. IC 21-18-9-10, AS ADDED BY P.L.177-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Before November 1, 2014, the commission, in consultation with the office of management and budget and each state educational institution, shall prepare and submit a report to the general assembly in an electronic format under IC 5-14-6 that

analyzes each state educational institution's expenses for the state fiscal years beginning in 2012 and 2013 and determine the percentage or amount of the state educational institution's total expenditures for a particular state fiscal year that were:

(1) overhead and operational expenditures;

(2) instructional expenses; and

(3) capital or other expenses.

(b) The commission may establish criteria for categorizing a state educational institution's expenses.

(c) A state educational institution shall submit to the commission any information ~~necessary~~ **needed** by the commission ~~to prepare~~ **for the preparation of** the report required in subsection (a).

(d) This section expires January 1, 2015.

SECTION 96. IC 21-41-9, AS ADDED BY P.L.27-2013, SECTION 1, IS REPEALED [EFFECTIVE UPON PASSAGE]. (Combat to College Program).

SECTION 97. IC 21-41-9, AS ADDED BY P.L.253-2013, SECTION 3, IS REPEALED [EFFECTIVE UPON PASSAGE]. (Indiana State University; Principal Institute).

SECTION 98. IC 21-41-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Combat to College Program

Sec. 1. This chapter applies to a state educational institution only if at least two hundred (200) veteran students are enrolled in the state educational institution.

Sec. 2. As used in this chapter, "armed forces" has the meaning set forth in IC 10-17-12-2.

Sec. 3. As used in this chapter, "coordinator" refers to a program coordinator designated under section 10 of this chapter.

Sec. 4. As used in this chapter, "national guard" means a state's:

(1) army national guard; or

(2) air national guard.

Sec. 5. As used in this chapter, "postsecondary credit" means credit toward:

(1) an associate degree;

(2) a baccalaureate degree; or

(3) a career and technical education certification;

granted by a state educational institution.

Sec. 6. As used in this chapter, "program" refers to the combat to college program established under section 8 of this chapter.

Sec. 7. As used in this chapter, "veteran student" refers to a student of a state educational institution who has been or is currently serving as a member of the:

(1) armed forces; or

(2) national guard.

Sec. 8. Each state educational institution shall establish a combat to college program to create a positive educational environment for veteran students to successfully graduate from academic and vocational degree programs while recognizing the skills, training, and experiences associated with military service.

Sec. 9. Each state educational institution shall do the following:

(1) Provide on its application for admission a question asking whether the applicant is currently or has ever been a member of the armed forces and an instruction directing the applicant, if the applicant has been a member of the armed forces, to indicate on the application whether the applicant received an honorable discharge.

(2) To the extent possible exercising financial prudence, provide a centralized location for admissions, registration for classes, and financial administration services for veteran students.

(3) Provide reasonable accommodations, in compliance with the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.), at a state educational institution's fitness facility for veteran students who are disabled.

(4) Develop programs to provide academic and career counseling specifically designed for veteran students.

(5) Develop programs to provide reasonable access to specialized counseling services or resources for veteran students who are disabled or veteran students suffering from posttraumatic stress disorder.

(6) Develop job search assistance programs designed for veteran students during the veteran student's enrollment at the state educational institution.

Sec. 10. (a) Each state educational institution shall designate a program coordinator.

(b) The duties of the coordinator include the following:

(1) Develop programs to create a positive educational environment for veteran students while the veteran student is enrolled at the state educational institution.

(2) Develop training programs for the state educational institution's personnel relating to:

(A) issues associated with identifying and assisting veteran students with posttraumatic stress disorder;

(B) veteran benefits; and

(C) any issue that the coordinator determines will educate a state educational institution's faculty or staff of the special needs of veteran students.

(3) Make recommendations to the commission for higher education established under IC 21-18-2 concerning ways to improve the education of veteran students.

(4) Coordinate access to stress management, counseling programs, and other resources available to a veteran student at the state educational institution.

(5) Coordinate with the Indiana department of veterans' affairs established by IC 10-17-1-2 to educate veteran students about state benefits available to Indiana veterans.

(6) Coordinate with the United States Department of Veterans Affairs to educate veteran students about federal benefits available to veterans.

(7) Coordinate with the adjutant general or the adjutant general's designee to educate veteran students about benefits and programs available to veteran students who served or are currently serving in the national guard.

(8) Coordinate activities, seminars, and programs for veteran students presented by a veterans organization listed in IC 10-18-8-1.

(9) Coordinate campus activities and social events designed for veteran students.

(10) Develop programs to assist a veteran student to locate employment.

(11) Develop internship programs designed specifically for veteran students.

(12) Develop an Internet web site to provide veteran students access to veteran resources.

SECTION 99. IC 21-41-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11. Indiana State University; Principal Institute

Sec. 1. As used in this chapter, "advisory board" refers to the advisory board for the principal institute established by this chapter.

Sec. 2. As used in this chapter, "institute" refers to the principal institute established by section 4 of this chapter.

Sec. 3. As used in this chapter, "university" refers to Indiana State University.

Sec. 4. The principal institute is established within the university to achieve excellence in teacher and student performance by strengthening leadership and management skills of practicing Indiana public school principals.

Sec. 5. (a) The university shall:

(1) appoint a full-time director to administer the institute;

(2) employ staff necessary to implement this chapter;

(3) appoint members of the advisory board; and

(4) submit to the general assembly an annual report before July 1 of each year.

(b) The annual report of the institute must be in an electronic format under IC 5-14-6 and must include the following:

(1) A summary of the activities of the institute.

(2) Data on the number of individuals trained.

(3) An analysis of the extent to which the purposes of the institute have been accomplished.

(4) A proposal for a program and budget for the two (2) years following the year that is the subject of the report.

Sec. 6. (a) There is established an advisory board for the institute to advise and assist the director appointed under section 5 of this chapter.

(b) The advisory board consists of eight (8) members appointed by the president of the university, and one (1) member appointed by the state superintendent of public instruction. Each of the following groups must be represented by at least one (1) member of the advisory board:

(1) Practicing public school principals.

(2) Members of the general assembly.

(3) Experts in administration, supervision, curriculum development, or evaluation who are members of the faculty of a state supported university.

(4) Practicing school superintendents.

(5) Practicing public school teachers.

(6) Members of the business or industry community.

(7) Parents of public school age children.

(c) The advisory board shall:

(1) annually elect a chairperson;

(2) advise the director about the curriculum of the institute;

(3) review the plan developed by the director under section 7 of this chapter;

(4) approve an evaluation plan for the institute;

(5) review the director's plan for continuing education;

(6) review the institute budget and make recommendations to the director;

(7) set criteria for the selection of institute participants;

(8) review the operation of the institute and make recommendations to the director;

(9) assist the director in compiling the annual report for submission to the general assembly;

(10) consider coordinating the programs and curriculum offered at the institute with the programs and curriculum required in principal certification programs offered at postsecondary educational institutions in Indiana; and

(11) complete other tasks requested of the advisory board by the president of the university or the director.

(d) Each member of the advisory board serves a four (4) year term beginning on May 1 in the year the member is appointed.

(e) The president of the university shall fill a vacancy on the advisory board:

(1) for the unexpired part of the term; and

(2) in a manner that preserves the composition of the advisory board under subsection (b).

Sec. 7. (a) The director of the institute shall, with staff support, develop a plan to accomplish the goals of the institute. The plan must be approved by the advisory board and must include procedures to teach principals the following:

(1) How to develop the leadership skills and management

techniques necessary for providing quality education in Indiana schools.

(2) How to improve teacher and student performance, including how to conduct meaningful and relevant staff evaluations.

(3) How to strengthen communication and leadership skills required for the establishment of a broad based support for public education.

(4) Management skills for use in improving curriculum and instruction.

(5) How to improve the school environment.

(b) The director of the institute shall, with staff support, and subject to approval by the advisory board, develop a plan for continuing education by the institute of public school principals who have completed initial training at the institute.

Sec. 8. To be eligible for admission to the institute, a participant must be a practicing public school principal for a public school located in Indiana. Admission preference must be given to those school principals who have at least three (3) years of administrative experience in Indiana public schools and intend to continue as public school principals.

SECTION 100. IC 22-3-7-17.2, AS AMENDED BY P.L.275-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter provided before July 1, 2014, by all medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility:

(1) The formation of a billing review standard, and any subsequent analysis or revision of the standard, must use data that is based on the medical service provider billing charges as submitted to the employer and the employer's insurance carrier from the same community. This subdivision does not apply when a unique or specialized service or product does not have sufficient comparative data to allow for a reasonable comparison.

(2) Data used to determine pecuniary liability must be compiled on or before June 30 and December 31 of each year.

(3) Billing review standards must be revised for prospective future payments of medical service provider bills to provide for payment of the charges at a rate not more than the charges made by eighty percent (80%) of the medical service providers during the prior six (6) months within the same community. The data used to perform the analysis and revision of the billing review standards may not be more than two (2) years old and must be periodically updated by a representative inflationary or deflationary factor. Reimbursement for these charges may not exceed the actual charge invoiced by the medical service provider.

(b) This subsection applies after June 30, 2014, to a medical service facility. The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under ~~worker's compensation~~ **this chapter** and provided by a medical service facility is equal to a reasonable amount, which is established by payment of one (1) of the following:

(1) The amount negotiated at any time between the medical service facility and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1).

(c) The payment to a medical service provider for an implant furnished to an employee under this chapter may not exceed the invoice amount plus twenty-five percent (25%).

(d) A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of

the notice of the reduction. If a request is made, the billing review service must provide:

(1) the name of the billing review service used to make the reduction;

(2) the dollar amount of the reduction;

(3) the dollar amount of the medical service at the eightieth percentile; and

(4) in the case of a CPT or Medicare coding change, the basis upon which the change was made;

not later than thirty (30) days after the date of the request.

(e) If, after a hearing, the worker's compensation board finds that a billing review service used a billing review standard that did not comply with subsection (a)(1) through (a)(3), as applicable, in determining the pecuniary liability of an employer or an employer's insurance carrier for a medical service provider's charge for services or products covered under occupational disease compensation, the worker's compensation board may assess a civil penalty against the billing review service in an amount not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000).

SECTION 101. IC 22-4.5-9-4, AS ADDED BY P.L.60-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market.

(3) Provide administrative oversight of the system.

(4) In addition to the department's annual report provided under IC 22-4-18-7, submit, not later than August 1, 2013, and not later than August 1 each year thereafter, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's

education, job skills development, and career training system. The inventory must provide at least the information listed in IC 22-4-18-7(a)(1) through IC 22-4-18-7(a)(5) for each activity in the inventory.

(5) Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

(A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.

(B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).

(C) Proposed changes to address both:

(i) the shortage of qualified workers for current employment opportunities; and

(ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.

(6) Coordinate the performance of its duties under this chapter with:

(A) the education roundtable established by IC 20-19-4-2; and

(B) the Indiana works councils established ~~under SEA 465-2013.~~ **by IC 20-19-6-4.**

(b) In performing its duties, the council shall obtain input from the following:

(1) Indiana employers and employer organizations.

(2) Public and private institutions of higher education.

(3) Regional and local economic development organizations.

(4) Indiana labor organizations.

(5) Individuals with expertise in career and technical education.

(6) Military and veterans organizations.

(7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.

(8) Individuals and organizations with expertise in the logistics industry.

(9) Any other person or organization that a majority of the voting members of the council ~~determine~~ **determines** has information that is important for the council to consider.

SECTION 102. IC 22-4.5-10.5-3, AS ADDED BY P.L.273-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department, in consultation with the commission for higher education, the department of education, the office of the secretary of family and social services, and any other agency the department determines is necessary, shall include in the Indiana workforce intelligence system established by IC 22-4.5-10-3 ~~as added by HB 1002-2013, SECTION 2,~~ information regarding the middle skill credentials awarded in Indiana for the immediately preceding state fiscal year.

(b) The information required under subsection (a) must include:

(1) the aggregate number of enrollees in programs leading to middle skill credentials from:

(A) public institutions of higher education;

(B) private institutions of higher education;

(C) postsecondary proprietary educational institutions;

(D) community colleges;

(E) area vocational schools;

(F) high school vocational programs;

(G) apprenticeship programs; and

(H) other public or private workforce training programs; and

(2) aggregate data of industry based certifications awarded as the result of the completion of education and employment training programs.

(c) The department shall publish the information described in subsection (b) in the department's annual report.

SECTION 103. IC 23-19-6-1, AS AMENDED BY P.L.92-2013, SECTION 80, AND AS AMENDED BY P.L.205-2013, SECTION 338, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This article shall be

administered by a division of the office of the secretary of state. The secretary of state shall appoint a securities commissioner who shall be responsible for the direction and supervision of the division and the administration of this article under the direction and control of the secretary of state. The salary of the securities commissioner shall be paid out of the funds appropriated for the administration of this article. The commissioner shall serve at the will of the secretary of state.

(b) The secretary of state:

(1) shall employ a chief deputy, attorneys, a senior investigator, a senior accountant, and other deputies, investigators, accountants, clerks, stenographers, and other employees necessary for the administration of this article; and

(2) shall fix their compensation with the approval of the budget agency.

(c) It is unlawful for the commissioner or an officer, employee, or designee of the commissioner to use for personal benefit or the benefit of others records or other information obtained by or filed with the commissioner that ~~are~~ **is** not public under section 7(b) of this chapter. This article does not authorize the commissioner or an officer, employee, or designee of the commissioner to disclose the record or information, except in accordance with section 2, 7(c), or 8 of this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) Subject to IC 4-2-6-15, the commissioner may develop and implement investor education initiatives to inform the public about investing in securities, with particular emphasis on the prevention and detection of securities fraud. In developing and implementing these initiatives, the commissioner may collaborate with public and nonprofit organizations with an interest in investor education. The commissioner may accept a grant or donation from a person that is not affiliated with the securities industry or from a nonprofit organization, regardless of whether the organization is affiliated with the securities industry, to develop and implement investor education initiatives. This subsection does not authorize the commissioner to require participation or monetary contributions of a registrant in an investor education program.

(f) *The securities division enforcement account is established.* Fees

and funds of whatever character accruing from the administration of this article shall be accounted for by the secretary of state and shall be deposited with the treasurer of state to be deposited by the treasurer of the state in either the state general fund or the *securities division* enforcement account. ~~*referenced below.*~~ Subject to IC 4-2-6-15, expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. ~~*However, grants and donations received under subsection (e), costs of investigations recovered under section 4(e) of this chapter, and civil penalties recovered under sections 3(b) and 4(d) of this chapter*~~ *The following* shall be deposited by the treasurer of state in ~~*a separate account to be known as*~~ the securities division enforcement account:

(1) Grants and donations received under subsection (e).

(2) Costs of investigations recovered under section 4(e) of this chapter.

(3) Fifty percent (50%) of the first two million dollars ($2,000,000):

(A) of a civil penalty recovered under section 3(b) or 4(d) of this chapter;

(B) recovered in a settlement of an action initiated to enforce this article; or

(C) awarded as a judgment in an action to enforce this article.

(g) The following shall be deposited by the treasurer of state in the state general fund:

(1) Fifty percent (50%) of the first two million dollars ($2,000,000):

(A) of a civil penalty recovered under section 3(b) or 4(d) of this chapter;

(B) recovered in a settlement of an action initiated to enforce this article; or

(C) awarded as a judgment in an action to enforce this article.

(2) Any amount exceeding two million dollars ($2,000,000):

(A) of a civil penalty recovered under section 3(b) or 4(d) of this chapter;

(B) recovered in a settlement of an action initiated to enforce this article; or

(C) awarded as a judgment in an action to enforce this article.

(3) Other fees and revenues that are not designated for deposit in the securities division enforcement account or the securities restitution fund.

(h) Notwithstanding ~~*IC 9-23-6-4,*~~ IC 23-2-2.5-34, IC 23-2-2.5-43, IC 23-2-5-7, IC 23-19-4-12, IC 25-11-1-15, and this chapter, five percent (5%) of funds received ~~*after June 30, 2010,*~~ for deposit in the *securities division* enforcement account shall instead be deposited in the securities restitution fund established by IC 23-20-1-25. Subject to IC 4-2-6-15, the funds deposited in the enforcement account shall be available, with the approval of the budget agency:

(1) to augment and supplement the funds appropriated for the administration of this article; and

(2) for grants and awards to nonprofit entities for programs and activities that will further investor education and financial literacy in the state.

The funds in the enforcement account do not revert to the state general fund at the end of any state fiscal year.

~~*(g)*~~ *(i)* In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the commissioner upon the commissioner's request, and to that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the commissioner as the demands of the securities division shall require. Expenses incurred by the attorney general for the purposes stated in this subsection shall be chargeable against and paid out of funds appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the commissioner and the commissioner's designee to represent the commissioner and the securities division in any proceeding involving enforcement or defense of this article.

~~*(h)*~~ *(j)* Neither the secretary of state, the commissioner, nor an employee of the securities division shall be liable in their individual capacity, except to the state, for an act done or omitted in connection with the performance of their respective duties under this article.

~~*(i)*~~ *(k)* The commissioner shall take, prescribe, and file the oath of office prescribed by law. The commissioner, chief deputy commissioner, and each attorney or investigator designated by the

commissioner are police officers of the state and shall have all the powers and duties of police officers in making arrests for violations of this article, or in serving any process, notice, or order connected with the enforcement of this article by whatever officer, authority, or court issued and shall comprise the enforcement department of the division and are considered a criminal justice agency for purposes of IC 5-2-4 and IC 10-13-3.

~~(j)~~ *(l)* The provisions of this article delegating and granting power to the secretary of state, the securities division, and the commissioner shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented;

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured; and

(3) the qualifications may be prescribed to assure availability of reliable broker-dealers, investment advisers, and agents engaged in and in connection with the issuance, barter, sale, purchase, transfer, or disposition of securities in this state.

It is the intent and purpose of this article to delegate and grant to and vest in the secretary of state, the securities division, and the commissioner full and complete power to carry into effect and accomplish the purpose of this article and to charge them with full and complete responsibility for its effective administration.

~~(k)~~ *(m)* Copies of any statement and documents filed in the office of the secretary of state and of any records of the secretary of state certified by the commissioner shall be admissible in any prosecution, action, suit, or proceeding based upon, arising out of, or under this article to the same effect as the original of such statement, document, or record would be if actually produced.

~~(l)~~ *(n)* IC 4-21.5 is not applicable to any of the proceedings under this article.

SECTION 104. IC 25-8-3-28, AS AMENDED BY P.L.170-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) A member of the board or any inspector or investigator may inspect:

(1) a ~~cosmetology~~ **beauty culture** salon;

(2) a beauty culture school; or

(3) a mobile salon;

during its regular business hours.

(b) A member of the board or any inspector or investigator may inspect:

(1) a beauty culture salon;

(2) a beauty culture school; or

(3) a mobile salon;

before an initial license is issued.

SECTION 105. IC 25-8-4-4, AS AMENDED BY P.L.170-2013, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A license issued under this article may not be transferred unless:

(1) the license is a beauty culture salon license; and

(2) the person holding the license was required to change the location of the ~~cosmetology~~ **beauty culture** salon ~~or barber shop~~ by circumstances that the board determines were beyond the control of that person.

SECTION 106. IC 25-21.5-1-7, AS AMENDED BY P.L.57-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

(1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and

(2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.

(b) Professional services provided under the practice of surveying include consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any of the following:

(1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.

(2) Determining the size and shape of the earth, or any point on

the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.

(3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.

(4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.

(5) Making any survey or preparing any plat for the subdivision of any tract of land.

(6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.

(7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

(A) dependent on;

(B) in specific relation to; or

(C) in close proximity to; ~~a boundary or property line or corner, including easements and rights-of-way.~~

a boundary, property line, or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.

(c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:

(1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.

(2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

(A) Geodetic control.

(B) Orthoimagery.

(C) Elevation and bathymetry.

(D) Fixed works.

(E) Government boundaries.

(F) Cadastral information.

(3) Certification of positional accuracy of maps or measured survey data.

(4) Measurement, adjustment, and authoritative interpretation of raw survey data.

(5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

(6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.

(7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.

(8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming

positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

(A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

(B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;

(C) prepared for or by educational institutions for use in the curriculum of any course of study;

(D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or

(E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.

(2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.

(3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastres, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastre, if the data are clearly not intended to authoritatively represent property boundaries.

(4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar

documents.

(5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.

(6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(7) Maps, cross-sections, graphics, and data bases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document and interpret the data in the context of their respective practices.

(8) Maps and geo-referenced data bases depicting physical features and events prepared by any government agency if the access to that data is restricted by statute, including geo-referenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(e) The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of surveying as defined in this section may be performed only under the direct control and supervision of a professional surveyor or professional photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.

(f) The practice of surveying encompasses a number of disciplines, including geodetic surveying, hydrographic surveying, cadastral surveying, construction staking, route surveying, photogrammetric surveying, and topographic surveying. A professional surveyor may practice only within the surveyor's area of expertise.

SECTION 107. IC 25-23.4-5-1, AS ADDED BY P.L.232-2013,

SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A certified direct entry midwife must have a collaborating agreement with a physician licensed under IC 25-22.5. Collaboration under this chapter does not require the physical presence of the physician at the time and the place at which the certified direct entry midwife renders services.

(b) Subject to rules adopted under ~~IC 25-23.4-2-6(b)(6),~~ **IC 25-23.4-2-6(b)(5),** a collaborating physician shall review the patient encounters that the certified direct entry midwife has with a patient who is the client of the certified direct entry midwife:

(1) at any time when requested by the physician; and

(2) at the time of the client's visit with the physician during the first and third trimesters, at least the following percentages of the patient charts:

(A) For the first year that the individual is a certified direct entry midwife, one hundred percent (100%).

(B) For the second year that the individual is a certified direct entry midwife, fifty percent (50%).

(C) For the third year that the individual is a certified direct entry midwife, twenty-five percent (25%).

SECTION 108. IC 25-23.4-6-1, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to rules adopted under ~~IC 25-23.4-2-6(b)(6),~~ **IC 25-23.4-2-6(b),** a certified direct entry midwife must provide an initial screening of a client that includes an assessment of health conditions that require a referral to a physician under subsection (c).

(b) Subject to rules adopted under ~~IC 25-23.4-2-6(b)(8),~~ **IC 25-23.4-2-6(b),** a certified direct entry midwife shall refer a client to a physician in the client's first and third trimester of pregnancy.

(c) If a client has a health condition that makes the client at risk, the certified direct entry midwife shall, subject to rules adopted under ~~IC 28-23.4-2-6(b)(9):~~ **IC 25-23.4-2-6(b):**

(1) refer the client to a licensed physician; and

(2) consult with the physician concerning the client's care.

SECTION 109. IC 25-31-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall hold in the city of Indianapolis at least two (2) regular meetings

each year and special meetings as the board considers necessary. Regular and special meetings must be held at times and places as the rules of the board may provide. Notice of all meetings must be given according to IC 5-14-1.5.

(b) The board shall elect, annually, from its own members, a chairman and a vice chairman.

(c) A quorum of the board consists of four (4) members and no official action of any meeting may be taken without at least four (4) votes being in accord.

(d) Suitable office quarters shall be provided by the state for the use of the board in the city of Indianapolis. This office may be shared with the state board of registration for ~~land~~ **professional** surveyors.

SECTION 110. IC 25-31-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The licensing agency shall provide the board with a competent individual to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a true and complete record of all proceedings of the board and perform any other duties, prescribed in this chapter, as may be assigned by the board.

(b) The board shall be provided by the licensing agency whatever clerical or other assistants, including investigators, as may be necessary for the proper performance of its duties.

(c) The licensing agency may assign joint personnel to work for both the board and the state board of registration for ~~land~~ **professional** surveyors.

SECTION 111. IC 25-34.1-4.5-5.5, AS ADDED BY P.L.200-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Notwithstanding IC 25-34.1-3-4.1(g), a license issued to a broker under this article that would have expired on June 30, 2013, will instead expire on June 30, 2014. The 2014 renewals will be for a three (3) year term.

(b) The continuing education requirements for the 2014 broker renewal shall be the:

(1) sixteen (16) hours required by IC 25-34.1-9-11 **(as in effect** before ~~its repeal on~~ July 1, 2014), which may have been obtained any time between July 1, 2011, and June 30, 2014; and

(2) eight (8) hours required by ~~IC 25-34-9-11.1~~ **IC 25-34.1-9-11.1**

(before its expiration on July 1, 2014) to be obtained between July 1, 2013, and June 30, 2014.

SECTION 112. IC 25-34.1-5-13, AS ADDED BY P.L.200-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each instructor of a prelicensing education course under this chapter must have a permit issued by the commission.

(b) An instructor permit under subsection (a) must:

(1) be issued for a term of three (3) years, ~~and expires~~ **ending** on a date set by the licensing agency; and

(2) expire if not renewed by the end of the permit period.

(c) An instructor issued a permit under subsection (a) must meet the following requirements:

(1) Be a licensed real estate broker or attorney licensed in Indiana, or an expert in the field working in conjunction with a licensed real estate broker or licensed attorney.

(2) Each year, complete four (4) hours of continuing education approved by the licensing agency and specific to providing real estate instruction. Hours earned under this subdivision may be used toward the completion of the continuing education requirement for a broker under IC 25-34.1-9-11.

(3) Pay applicable fees established under rules adopted by the commission under IC 4-22-2.

(4) Meet any additional requirements established by the commission under rules adopted under IC 4-22-2.

(d) If a permit expires under subsection (b)(2), to return the permit to active status, the instructor must:

(1) successfully complete continuing education requirements required by the commission;

(2) file a renewal application;

(3) pay a renewal fee under rules adopted by the commission under IC 4-22-2;

(4) pay any applicable late fees established under rules adopted by the commission under IC 4-22-2; and

(5) meet any additional requirements established by the commission.

(e) Instructors approved by the commission before July 1, 2013, shall be exempted from the requirement under subsection (c)(1).

SECTION 113. IC 25-34.1-5-15, AS ADDED BY P.L.200-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Each real estate school must have a permit issued by the commission.

(b) A real estate school **issued a** permit under subsection (a) must meet the following requirements:

(1) For online courses, an instructor that has been issued a permit under this chapter must be available during normal business hours.

(2) Course rosters must be provided to the commission each month.

(3) ~~A~~ **The** school must pay the permit fees established by the commission under subsection (d).

(c) The commission shall establish a permit period for real estate schools. A permit issued under this section must be renewed at the end of the period established by the commission.

(d) The commission shall establish, by rule adopted under IC 4-22-2, fees for permits under this section.

(e) A school must annually file with the commission a list of courses offered by the school.

SECTION 114. IC 27-1-15.6-4, AS AMENDED BY P.L.81-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this section, "insurer" does not include an officer, director, employee, subsidiary, or affiliate of an insurer.

(b) This chapter does not require an insurer to obtain an insurance producer license.

(c) The following are not required to be licensed as an insurance producer:

(1) An officer, director, or employee of an insurer or of an insurance producer, if the officer, director, or employee does not receive any commission on policies written or sold to insure risks that reside, are located, or are to be performed in Indiana, and if:

(A) the officer, director, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer, director, or employee's function relates to

underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers and the officer, director, or employee's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation, or negotiation of insurance.

(2) A person who secures and furnishes information for the purpose of:

(A) group life insurance, group property and casualty insurance, group annuities, or group or blanket accident and sickness insurance;

(B) enrolling individuals under plans;

(C) issuing certificates under plans or otherwise assisting in administering plans; or

(D) performing administrative services related to mass marketed property and casualty insurance;

where no commission is paid to the person for the service.

(3) A person identified in clauses (A) through (C) who is not in any manner compensated, directly or indirectly, by a company issuing a contract, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the employer's or association's employees, or for the employees of a subsidiary or affiliate of the employer or association, that involves the use of insurance issued by an insurer:

(A) An employer or association.

(B) An officer, director, or employee of an employer or association.

(C) The trustees of an employee trust plan.

(4) An:

(A) employee of an insurer; or

(B) organization employed by insurers;

that is engaged in the inspection, rating, or classification of risks, or in the supervision of the training of insurance producers, and that is not individually engaged in the sale, solicitation, or negotiation of insurance.

(5) A person whose activities in Indiana are limited to advertising, without the intent to solicit insurance in Indiana, through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of Indiana, provided that the person does not sell, solicit, or negotiate insurance that would insure risks residing, located, or to be performed in Indiana.

(6) A person who is not a resident of Indiana and who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one (1) state insured under that contract, provided that:

(A) the person is otherwise licensed as an insurance producer to sell, solicit, or negotiate the insurance in the state where the insured maintains its principal place of business; and

(B) the contract of insurance insures risks located in that state.

(7) A salaried full-time employee who counsels or advises the employee's employer about the insurance interests of the employer or of the subsidiaries or business affiliates of the employer, provided that the employee does not sell or solicit insurance or receive a commission.

(8) An officer, employee, or representative of a rental company (as defined in IC 24-4-9-7) who negotiates or solicits insurance incidental to and in connection with the rental of a motor vehicle.

(9) An individual who:

(A) furnishes only title insurance rate information at the request of a consumer; and

(B) does not discuss the terms or conditions of a title insurance policy.

(10) An employee or authorized representative of a vendor that is licensed as a limited lines producer under this chapter to sell, solicit, or negotiate portable electronics insurance incidental to and in connection with portable electronics transactions as described in IC 27-1-15.9.

(11) An employee or authorized representative of a self-storage facility that is licensed as a limited lines producer under this chapter to sell, solicit, or negotiate self-storage insurance incidental to and in connection with self-storage ~~facility~~ rental agreements as described in IC 27-1-16.1.

SECTION 115. IC 31-9-2-44.8, AS AMENDED BY P.L.146-2008, SECTION 544, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 44.8. "Family preservation services", for purposes of **IC 31-26-5 and** IC 31-26-6, means short term, highly intensive services designed to protect, treat, and support the following:

(1) A family with a child at risk of placement by enabling the family to remain intact and care for the child at home.

(2) A family that adopts or plans to adopt an abused or neglected child who is at risk of placement or adoption disruption by assisting the family to achieve or maintain a stable, successful adoption of the child.

SECTION 116. IC 32-33-4-1, AS AMENDED BY P.L.173-2013, SECTION 1, AND AS AMENDED BY P.L.205-2013, SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Subject to sections 3(c), 3(d), and 3.5 of this chapter, a person, a firm, a partnership, an association, a limited liability company, or a corporation maintaining a hospital in Indiana or a hospital owned, maintained, or operated by the state or a political subdivision of the state is entitled to hold a lien for the reasonable value of its services or expenses (including any amount designated as a copayment or deductible) on any judgment for personal injuries rendered in favor of any person, except:

(1) a person covered by the provisions of IC 22-3, the state worker's compensation laws;

(2) a person covered by the provisions of 5 U.S.C. 8101 et seq., the federal worker's compensation laws;

(3) a person covered by the provisions of 45 U.S.C. 51 et seq., the Federal **Employers** Liability Act;

(4) an eligible person (as defined in IC 34-13-8-1) with respect to a distribution paid from the supplemental state fair relief fund for an occurrence (as defined in IC 34-13-8-2); and

(5) a person covered by the provisions of 42 U.S.C. 1395 et seq., the federal Medicare program;

who is admitted to the hospital and receives treatment, care, and maintenance on account of personal injuries received as a result of the negligence of any person or corporation. In order to claim the lien, the hospital must satisfy the conditions for perfecting the lien as set forth

in section 4 of this chapter and, not later than the date on which the judgment is rendered, enter, in writing, upon the judgment docket where the judgment is recorded, the hospital's intention to hold a lien upon the judgment, together with the amount claimed.

SECTION 117. IC 34-30-27-1, AS ADDED BY P.L.96-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. An architect registered under IC 25-4-1, a ~~land~~ **professional** surveyor registered under IC 25-21.5, or a professional engineer registered under IC 25-31-1 who, after May 31, 2013, voluntarily, without compensation (other than expense reimbursement), provides architectural, structural, electrical, mechanical, or professional services:

(1) related to a declared national, state, or local emergency caused by an earthquake, hurricane, tornado, fire, explosion, gale, severe storm, flood, or collapse; and

(2) at the request of or with the approval of a federal or state official with executive responsibility in the jurisdiction to coordinate:

(A) law enforcement;

(B) public safety; or

(C) building inspection;

believed by the registered architect, ~~land~~ **professional** surveyor, or professional engineer to be acting in an official capacity;

is not liable for any personal injury, wrongful death, property damage, or other loss of any nature related to the registered architect's, ~~land~~ **professional** surveyor's, or professional engineer's acts, errors, or omissions in the performance of the services.

SECTION 118. IC 36-3-4-3, AS AMENDED BY P.L.266-2013, SECTION 8, AND AS AMENDED BY P.L.271-2013, SECTION 48, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The city-county legislative body shall, by ordinance, divide the whole county into twenty-five (25) districts that:

(1) are compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) contain, as nearly as is possible, equal population; and

(3) do not cross precinct boundary lines.

Except as provided by subsection (f), this division shall be made ~~*during*~~ *before* the *end of the* second year after a year in which a federal decennial census is conducted and may also be made at any other time, subject to IC 3-11-1.5-32.

(b) The legislative body is composed of *the following:*

(1) Before January 1, 2016, twenty-five (25) members elected from the districts established under subsection (a) and four (4) members elected from an at-large district containing the whole county.

(2) After December 31, 2015, twenty-five (25) members elected from the districts established under subsection (a).

(c) Each voter of the county may vote for ~~*four (4) candidates for at-large membership and*~~ one (1) candidate from the district in which the voter resides. ~~*The four (4) at-large candidates receiving the most votes from the whole county and the district candidates receiving the most votes from their respective districts are elected to the legislative body.*~~

(d) If the legislative body fails to make the division before the date prescribed by subsection (a) or the division is alleged to violate subsection (a) or other law, a taxpayer or registered voter of the county may petition the superior court of the county to hear and determine the matter. The court shall hear and determine the matter as a five (5) member panel of judges from the superior court. The clerk of the court shall select the judges electronically and randomly. *The clerk shall maintain a record of the method and process used to select the judges and shall make the record available for public inspection and copying.* Not more than three (3) members of the five (5) member panel of judges may be of the same political party. The first judge selected shall maintain the case file and preside over the proceedings. There may not be a change of venue from the court or from the county. The court may appoint a master to assist in its determination and may draw proper district boundaries if necessary. An appeal from the court's judgment must be taken within thirty (30) days, directly to the supreme court, in the same manner as appeals from other actions.

(e) An election of the legislative body held under the ordinance or court judgment determining districts that is in effect on the date of the election is valid, regardless of whether the ordinance or judgment is later determined to be invalid.

(f) This subsection applies during the second year after a year in which a federal decennial census is conducted. If the legislative body determines that a division under subsection (a) is not required, the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(g) Each time there is a division under subsection (a) or a recertification under subsection (f), the legislative body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

(1) adopted under subsection (a); or

(2) recertified under subsection (f).

(h) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(i) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 119. IC 36-4-1.5-2, AS AMENDED BY P.L.202-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A town may be changed into a city through the following:

(1) The town legislative body must adopt a resolution submitting to the town's voters the question of whether the town should be changed into a city. The town legislative body shall adopt a resolution described in this subdivision if at least the number of registered voters of the town equal to ten percent (10%) of the total votes cast in the town at the last election for secretary of state sign a petition requesting the town legislative body to adopt such a resolution. In determining the number of signatures

required under this subdivision, any fraction that exceeds a whole number shall be disregarded.

(2) The town legislative body must adopt the resolution under subdivision (1) not later than thirty (30) days after the date on which a petition having a sufficient number of signatures is filed. A resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city as follows:

(A) If the election is to be on the same date as a general election or municipal election:

(i) the resolution must state that fact and be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3.~~ **IC 3-10-9.**

(B) If the election is to be a special election, the date must be:

(i) not less than thirty (30) and not more than sixty (60) days after the notice of the election; and

(ii) not later than the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3.~~ **IC 3-10-9.**

(3) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of _____ change into a city?".

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

SECTION 120. IC 36-7-14-50, AS ADDED BY P.L.7-2013,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 50. (a) Except as provided in subsection (b), all the rights, powers, privileges, and immunities that may be exercised by a commission in blighted, deteriorated, or deteriorating areas may be exercised by a commission in implementing its program for age-restricted housing, including the following:

(1) The special tax levied in accordance with section 27 of this chapter may be used to accomplish the purposes of the age-restricted housing program.

(2) Bonds may be issued under this chapter to accomplish the purposes of the age-restricted housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area established under section ~~51~~ **49** of this chapter, except for refunding bonds or bonds issued in an amount necessary to complete an age-restricted housing program for which bonds were previously issued.

(3) Leases may be entered into under this chapter to accomplish the purposes of the age-restricted housing program.

(4) The tax exemptions set forth in section 37 of this chapter are applicable.

(5) Property taxes may be allocated under section 39 of this chapter.

(b) A commission may not exercise the power of eminent domain in implementing its age-restricted housing program.

SECTION 121. IC 36-7-15.1-60, AS ADDED BY P.L.7-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 60. (a) Except as provided in subsection (b), all the rights, powers, privileges, and immunities that may be exercised by a commission in blighted, deteriorated, or deteriorating areas may be exercised by a commission in implementing its program for age-restricted housing, including the following:

(1) The special tax levied in accordance with section 19 of this chapter may be used to accomplish the purposes of the age-restricted housing program.

(2) Bonds may be issued under this chapter to accomplish the purposes of the age-restricted housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area established under section ~~61~~ **59** of this chapter,

except for refunding bonds or bonds issued in an amount necessary to complete an age-restricted housing program for which bonds were previously issued.

(3) Leases may be entered into under this chapter to accomplish the purposes of the age-restricted housing program.

(4) The tax exemptions set forth in section 25 of this chapter are applicable.

(5) Property taxes may be allocated under section 26 of this chapter.

(b) A commission may not exercise the power of eminent domain in implementing its age-restricted housing program.

SECTION 122. **An emergency is declared for this act.**

P.L.3-2014
[S.31. Approved March 13, 2014.]

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

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

SECTION 1. IC 4-6-14-2, AS AMENDED BY P.L.226-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter, "health care provider" means:

(1) a person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11); or

(2) a person licensed, certified, registered, or regulated by ~~a board listed~~ **an entity described** in ~~IC 25-1-9-1.~~ **IC 25-0.5-11.**

SECTION 2. IC 4-6-14-4, AS ADDED BY P.L.84-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. As used in this chapter, "regulated professional" means an individual who is regulated by ~~a board listed under IC 25-1-11-1.~~ **an**

entity described in IC 25-0.5-12.

SECTION 3. IC 4-21.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Notice must be given under this section concerning the following:

(1) The grant, renewal, restoration, transfer, or denial of a license by the bureau of motor vehicles under IC 9.

(2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.

(3) The grant, renewal, restoration, transfer, or denial of a license by ~~a board~~ **an entity** described in ~~IC 25-1-8-1.~~ **IC 25-0.5-9.**

(4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

(6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water system (as defined in IC 13-11-2-177.3) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water system;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

(i) A solid waste incinerator or a waste to energy facility.

(ii) A land disposal site.

(iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

(1) Each person to whom the order is specifically directed.

(2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

(1) A brief description of the order.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.

(3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a

preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 4. IC 12-15-11-2.5, AS ADDED BY P.L.197-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "transportation provider" means a person:

(1) that is a common carrier, including a person that provides transportation by a taxi; and

(2) that:

(A) is enrolled; or

(B) applies for enrollment;

in the Medicaid program as a Medicaid provider to render transportation services to Medicaid recipients.

(b) This section does not apply to a transportation provider that is:

(1) exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code;

(2) at the discretion of the secretary, granted a waiver of the bond requirement under subsection (c) to provide transportation services in a federal or state designated underserved area;

(3) at the discretion of the secretary, granted a waiver of the bond requirement under subsection (c) based on the determination that the provider does not pose a significant risk of submitting fraudulent or false Medicaid claims;

(4) owned or controlled by a person that is licensed or certified by ~~a board listed~~ **an entity described** in ~~IC 25-1-9-1;~~ **IC 25-0.5-11;**

(5) owned or controlled by a pharmacy that has a permit issued under IC 25-26-13;

(6) owned or controlled by a hospital licensed under IC 16-21; or

(7) required under federal law to obtain a surety bond to cover Medicaid overpayments and false Medicaid claims and has obtained a bond that complies with the applicable federal law.

(c) A transportation provider that applies for enrollment as a Medicaid provider:

(1) as a new applicant;

(2) due to a change in ownership of a transportation provider currently enrolled; or

(3) due to a purchase or transfer of the assets of a transportation provider currently enrolled;

shall, at the time the transportation provider files a provider agreement with the office, submit to the office a surety bond that meets the requirements of subsection (d) and is issued by a surety that is authorized by the office of the secretary.

(d) The following apply to a surety bond filed with the office under this section:

(1) The surety bond must be continuously in effect for at least three (3) years after the application is made as described in subsection (c).

(2) The surety bond must provide coverage for liability of at least fifty thousand dollars ($50,000).

(3) The surety bond must name the:

(A) transportation provider as the principal;

(B) office as the obligee; and

(C) person that issues the surety bond, including the person's heirs, executors, administrators, successors, and assignees, jointly and severally, as surety.

(4) The surety bond must provide the surety's name, street address or post office box number, city, state, and ZIP code.

(5) The surety bond must provide that the surety is liable under the surety bond for a duplicate, erroneous, or false Medicaid claim paid by the office or its fiscal agent to the transportation provider during the term of the surety bond.

(6) The surety bond must provide that the bond may not be void on a first recovery, but that suits may be instituted until the penalty is exhausted.

(7) The surety bond must guarantee that the surety will, not later than thirty (30) days after the surety receives written notice from the office containing sufficient evidence to establish the surety's liability under the surety bond as described in subdivision (5), pay to the office the following amounts, not to exceed the full amount

of the surety bond:

(A) The amount of the duplicate, erroneous, or false claim that was previously paid by the office or its fiscal agent to the transportation provider, plus accrued interest.

(B) An assessment imposed under IC 12-15-22 by the office on the transportation provider.

(8) The surety bond must provide that if the transportation provider's provider agreement is not renewed or is terminated, the surety bond submitted by the transportation provider remains in effect until the last day of the surety bond coverage period and the surety remains liable for a duplicate, erroneous, or false claim paid by the office or its fiscal agent to the transportation provider during the term of the surety bond.

(9) The surety bond must provide that actions under the surety bond may be brought by the office or the attorney general.

(e) The office may revoke or deny a provider agreement for a transportation provider's failure to comply with this section.

(f) The office may revoke a provider agreement if a transportation provider cancels a surety bond required by this section.

(g) The office or its designee may, at any time, require a transportation provider to demonstrate compliance with this section.

(h) If:

(1) a surety has paid the office for a liability incurred under a surety bond under this section; and

(2) the transportation provider is subsequently successful in appealing the determination of liability;

the office shall, upon completion of the appellate process, refund the surety or the transportation provider the full amount paid for the liability.

SECTION 5. IC 25-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 0.5. APPLICABILITY OF CERTAIN PROVISIONS IN IC 25-1

Chapter 1. Initial License or Certificate Under IC 25-1-1.1-4

Sec. 1. IC 25-1-1.1-4 applies to an individual described in this chapter who is applying for, or will be applying for, an initial license or an initial certificate.

Sec. 2. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-2.5 (acupuncturists).

Sec. 3. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-10 (chiropractors).

Sec. 4. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-13 (dental hygienists).

Sec. 5. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-14 (dentists).

Sec. 6. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-14.5 (dietitians).

Sec. 7. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-17.3 (genetic counselors).

Sec. 8. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-19 (health facility and residential care facility administrators).

Sec. 9. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-21.8 (massage therapists).

Sec. 10. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-22.5 (physicians).

Sec. 11. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-23 (nurses).

Sec. 12. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-23.4 (certified direct entry midwives).

Sec. 13. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-23.5 (occupational therapists).

Sec. 14. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-23.6 (social workers, marriage and family therapists, and counselors).

Sec. 15. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-24 (optometrists).

Sec. 16. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-26 (pharmacists).

Sec. 17. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-27 (physical therapists).

Sec. 18. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-27.5 (physician assistants).

Sec. 19. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-29 (podiatrists).

Sec. 20. IC 25-1-1.1-4 applies to an individual licensed or

certified under IC 25-33 (psychologists).

Sec. 21. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-34.5 (respiratory care practitioners).

Sec. 22. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-35.6 (speech pathologists and audiologists).

Sec. 23. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-38.1 (veterinarians).

Chapter 2. Permits, Licenses, Certificates of Registration, and Evidences of Authority Under IC 25-1-2-2.1

Sec. 1. IC 25-1-2-2.1 applies to the permits, licenses, certificates of registration, and evidences of authority described in this chapter.

Sec. 2. IC 25-1-2-2.1 applies to permits or certificates held by certified public accountants, public accountants, and accounting practitioners.

Sec. 3. IC 25-1-2-2.1 applies to certificates of registration held by architects and landscape architects.

Sec. 4. IC 25-1-2-2.1 applies to certificates of registration held by professional engineers.

Sec. 5. IC 25-1-2-2.1 applies to certificates of registration held by professional surveyors.

Sec. 6. IC 25-1-2-2.1 applies to licenses held by real estate brokers.

Sec. 7. IC 25-1-2-2.1 applies to licenses held by real estate agents.

Sec. 8. IC 25-1-2-2.1 applies to licenses issued by the securities commissioner to security dealers.

Sec. 9. IC 25-1-2-2.1 applies to licenses held by dental hygienists.

Sec. 10. IC 25-1-2-2.1 applies to licenses held by dentists.

Sec. 11. IC 25-1-2-2.1 applies to licenses held by veterinarians.

Sec. 12. IC 25-1-2-2.1 applies to licenses held by physicians.

Sec. 13. IC 25-1-2-2.1 applies to licenses held by chiropractors.

Sec. 14. IC 25-1-2-2.1 applies to licenses held by physical therapists.

Sec. 15. IC 25-1-2-2.1 applies to licenses held by optometrists.

Sec. 16. IC 25-1-2-2.1 applies to licenses or permits held by pharmacists and assistants, drugstores, or pharmacies.

Sec. 17. IC 25-1-2-2.1 applies to licenses held by mobile home communities.

Sec. 18. IC 25-1-2-2.1 applies to licenses held by nurses.

Sec. 19. IC 25-1-2-2.1 applies to licenses held by podiatrists.

Sec. 20. IC 25-1-2-2.1 applies to licenses held by occupational therapists and occupational therapy assistants.

Sec. 21. IC 25-1-2-2.1 applies to licenses held by respiratory care practitioners.

Sec. 22. IC 25-1-2-2.1 applies to licenses held by social workers, marriage and family therapists, and mental health counselors.

Sec. 23. IC 25-1-2-2.1 applies to licenses or certificates issued by the real estate appraiser licensure and certification board to real estate appraisers.

Sec. 24. IC 25-1-2-2.1 applies to licenses held by wholesale legend drug distributors.

Sec. 25. IC 25-1-2-2.1 applies to licenses held by physician assistants.

Sec. 26. IC 25-1-2-2.1 applies to certifications held by dietitians.

Sec. 27. IC 25-1-2-2.1 applies to certificates of registration held by athlete agents.

Sec. 28. IC 25-1-2-2.1 applies to licenses held by manufactured home installers.

Sec. 29. IC 25-1-2-2.1 applies to licenses held by home inspectors.

Sec. 30. IC 25-1-2-2.1 applies to certifications held by massage therapists.

Sec. 31. IC 25-1-2-2.1 applies to registrations held by interior designers.

Sec. 32. IC 25-1-2-2.1 applies to licenses held by genetic counselors.

Sec. 33. IC 25-1-2-2.1 applies to certifications held by direct entry midwives.

Chapter 3. Entities Under IC 25-1-2-6

Sec. 1. IC 25-1-2-6(b) applies to the entities described in this chapter.

Sec. 2. IC 25-1-2-6(b) applies to the Indiana board of accountancy.

Sec. 3. IC 25-1-2-6(b) applies to the Indiana grain buyers and warehouse licensing agency.

Sec. 4. IC 25-1-2-6(b) applies to the Indiana auctioneer commission.

Sec. 5. IC 25-1-2-6(b) applies to the board of registration for architects and landscape architects.

Sec. 6. IC 25-1-2-6(b) applies to the state board of cosmetology and barber examiners.

Sec. 7. IC 25-1-2-6(b) applies to the medical licensing board of Indiana.

Sec. 8. IC 25-1-2-6(b) applies to the secretary of state.

Sec. 9. IC 25-1-2-6(b) applies to the state board of dentistry.

Sec. 10. IC 25-1-2-6(b) applies to the state board of funeral and cemetery service.

Sec. 11. IC 25-1-2-6(b) applies to the worker's compensation board of Indiana.

Sec. 12. IC 25-1-2-6(b) applies to the Indiana state board of health facility administrators.

Sec. 13. IC 25-1-2-6(b) applies to the committee of hearing aid dealer examiners.

Sec. 14. IC 25-1-2-6(b) applies to the Indiana state board of nursing.

Sec. 15. IC 25-1-2-6(b) applies to the Indiana optometry board.

Sec. 16. IC 25-1-2-6(b) applies to the Indiana board of pharmacy.

Sec. 17. IC 25-1-2-6(b) applies to the Indiana plumbing commission.

Sec. 18. IC 25-1-2-6(b) applies to the board of podiatric medicine.

Sec. 19. IC 25-1-2-6(b) applies to the private investigator and security guard licensing board.

Sec. 20. IC 25-1-2-6(b) applies to the state board of registration for professional engineers.

Sec. 21. IC 25-1-2-6(b) applies to the state psychology board.

Sec. 22. IC 25-1-2-6(b) applies to the Indiana real estate commission.

Sec. 23. IC 25-1-2-6(b) applies to the speech-language pathology and audiology board.

Sec. 24. IC 25-1-2-6(b) applies to the department of natural resources.

Sec. 25. IC 25-1-2-6(b) applies to the board of chiropractic examiners.

Sec. 26. IC 25-1-2-6(b) applies to the mining board.

Sec. 27. IC 25-1-2-6(b) applies to the Indiana board of veterinary medical examiners.

Sec. 28. IC 25-1-2-6(b) applies to the state department of health.

Sec. 29. IC 25-1-2-6(b) applies to the Indiana physical therapy committee.

Sec. 30. IC 25-1-2-6(b) applies to the respiratory care committee.

Sec. 31. IC 25-1-2-6(b) applies to the occupational therapy committee.

Sec. 32. IC 25-1-2-6(b) applies to the behavioral health and human services licensing board.

Sec. 33. IC 25-1-2-6(b) applies to the real estate appraiser licensure and certification board.

Sec. 34. IC 25-1-2-6(b) applies to the state board of registration for professional surveyors.

Sec. 35. IC 25-1-2-6(b) applies to the physician assistant committee.

Sec. 36. IC 25-1-2-6(b) applies to the Indiana dietitians certification board.

Sec. 37. IC 25-1-2-6(b) applies to the attorney general (only for the regulation of athlete agents).

Sec. 38. IC 25-1-2-6(b) applies to the manufactured home installer licensing board.

Sec. 39. IC 25-1-2-6(b) applies to the home inspectors licensing board.

Sec. 40. IC 25-1-2-6(b) applies to the state board of massage therapy.

Sec. 41. IC 25-1-2-6(b) applies to the midwifery committee.

Sec. 42. IC 25-1-2-6(b) applies to any other occupational or professional agency created after June 30, 1981.

Chapter 4. "Board" as Used in IC 25-1-4

Sec. 1. As used in IC 25-1-4, "board" means any of the entities described in this chapter.

Sec. 2. The Indiana board of accountancy (IC 25-2.1-2-1) is a board under IC 25-1-4.

Sec. 3. The board of registration for architects and landscape architects (IC 25-4-1-2) is a board under IC 25-1-4.

Sec. 4. The Indiana athletic trainers board (IC 25-5.1-2-1) is a board under IC 25-1-4.

Sec. 5. The Indiana auctioneer commission (IC 25-6.1-2-1) is a board under IC 25-1-4.

Sec. 6. The board of chiropractic examiners (IC 25-10-1) is a board under IC 25-1-4.

Sec. 7. The state board of cosmetology and barber examiners (IC 25-8-3-1) is a board under IC 25-1-4.

Sec. 8. The state board of dentistry (IC 25-14-1) is a board under IC 25-1-4.

Sec. 9. The Indiana dietitians certification board (IC 25-14.5-2-1) is a board under IC 25-1-4.

Sec. 10. The state board of registration for professional engineers (IC 25-31-1-3) is a board under IC 25-1-4.

Sec. 11. The state board of funeral and cemetery service (IC 25-15-9) is a board under IC 25-1-4.

Sec. 12. The Indiana state board of health facility administrators (IC 25-19-1) is a board under IC 25-1-4.

Sec. 13. The committee of hearing aid dealer examiners (IC 25-20-1-1.5) is a board under IC 25-1-4.

Sec. 14. The home inspectors licensing board (IC 25-20.2-3-1) is a board under IC 25-1-4.

Sec. 15. The state board of registration for professional surveyors (IC 25-21.5-2-1) is a board under IC 25-1-4.

Sec. 16. The manufactured home installer licensing board (IC 25-23.7) is a board under IC 25-1-4.

Sec. 17. The medical licensing board of Indiana (IC 25-22.5-2) is a board under IC 25-1-4.

Sec. 18. The Indiana state board of nursing (IC 25-23-1) is a board under IC 25-1-4.

Sec. 19. The occupational therapy committee (IC 25-23.5) is a board under IC 25-1-4.

Sec. 20. The Indiana optometry board (IC 25-24) is a board under IC 25-1-4.

Sec. 21. The Indiana board of pharmacy (IC 25-26) is a board under IC 25-1-4.

Sec. 22. The Indiana physical therapy committee (IC 25-27-1) is a board under IC 25-1-4.

Sec. 23. The physician assistant committee (IC 25-27.5) is a board under IC 25-1-4.

Sec. 24. The Indiana plumbing commission (IC 25-28.5-1-3) is

a board under IC 25-1-4.

Sec. 25. The board of podiatric medicine (IC 25-29-2-1) is a board under IC 25-1-4.

Sec. 26. The private investigator and security guard licensing board (IC 25-30-1-5.2) is a board under IC 25-1-4.

Sec. 27. The state psychology board (IC 25-33) is a board under IC 25-1-4.

Sec. 28. The Indiana real estate commission (IC 25-34.1-2) is a board under IC 25-1-4.

Sec. 29. The real estate appraiser licensure and certification board (IC 25-34.1-8) is a board under IC 25-1-4.

Sec. 30. The respiratory care committee (IC 25-34.5) is a board under IC 25-1-4.

Sec. 31. The behavioral health and human services licensing board (IC 25-23.6) is a board under IC 25-1-4.

Sec. 32. The speech-language pathology and audiology board (IC 25-35.6-2) is a board under IC 25-1-4.

Sec. 33. The Indiana board of veterinary medical examiners (IC 25-38.1-2) is a board under IC 25-1-4.

Chapter 5. Performance of Administrative Functions, Duties, and Responsibilities for Entities by the Indiana Professional Licensing Agency Under IC 25-1-5-3

Sec. 1. This chapter sets forth the entities for which the Indiana professional licensing agency performs administrative functions, duties, and responsibilities under IC 25-1-5-3(a).

Sec. 2. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the board of chiropractic examiners (IC 25-10-1) under IC 25-1-5-3(a).

Sec. 3. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state board of dentistry (IC 25-14-1) under IC 25-1-5-3(a).

Sec. 4. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana state board of health facility administrators (IC 25-19-1) under IC 25-1-5-3(a).

Sec. 5. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the medical licensing board of Indiana (IC 25-22.5-2) under IC 25-1-5-3(a).

Sec. 6. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana state board of nursing (IC 25-23-1) under IC 25-1-5-3(a).

Sec. 7. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana optometry board (IC 25-24) under IC 25-1-5-3(a).

Sec. 8. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana board of pharmacy (IC 25-26) under IC 25-1-5-3(a).

Sec. 9. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the board of podiatric medicine (IC 25-29-2-1) under IC 25-1-5-3(a).

Sec. 10. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the speech-language pathology and audiology board (IC 25-35.6-2) under IC 25-1-5-3(a).

Sec. 11. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state psychology board (IC 25-33) under IC 25-1-5-3(a).

Sec. 12. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana board of veterinary medical examiners (IC 25-38.1-2) under IC 25-1-5-3(a).

Sec. 13. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the committee of hearing aid dealer examiners (IC 25-20) under IC 25-1-5-3(a).

Sec. 14. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana physical therapy committee (IC 25-27) under IC 25-1-5-3(a).

Sec. 15. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the respiratory care committee (IC 25-34.5) under IC 25-1-5-3(a).

Sec. 16. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the occupational therapy committee (IC 25-23.5) under IC 25-1-5-3(a).

Sec. 17. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the

behavioral health and human services licensing board (IC 25-23.6) under IC 25-1-5-3(a).

Sec. 18. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the physician assistant committee (IC 25-27.5) under IC 25-1-5-3(a).

Sec. 19. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana athletic trainers board (IC 25-5.1-2-1) under IC 25-1-5-3(a).

Sec. 20. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana dietitians certification board (IC 25-14.5-2-1) under IC 25-1-5-3(a).

Sec. 21. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the midwifery committee (IC 25-23.4-2-1) under IC 25-1-5-3(a).

Chapter 6. "Provider" as Used in IC 25-1-5-10

Sec. 1. As used in IC 25-1-5-10, "provider" means an individual licensed, certified, registered, or permitted by any of the entities described in this chapter.

Sec. 2. An individual licensed, certified, registered, or permitted by the board of chiropractic examiners (IC 25-10-1) is a provider under IC 25-1-5-10.

Sec. 3. An individual licensed, certified, registered, or permitted by the state board of dentistry (IC 25-14-1) is a provider under IC 25-1-5-10.

Sec. 4. An individual licensed, certified, registered, or permitted by the Indiana state board of health facility administrators (IC 25-19-1) is a provider under IC 25-1-5-10.

Sec. 5. An individual licensed, certified, registered, or permitted by the medical licensing board of Indiana (IC 25-22.5-2) is a provider under IC 25-1-5-10.

Sec. 6. An individual licensed, certified, registered, or permitted by the Indiana state board of nursing (IC 25-23-1) is a provider under IC 25-1-5-10.

Sec. 7. An individual licensed, certified, registered, or permitted by the Indiana optometry board (IC 25-24) is a provider under IC 25-1-5-10.

Sec. 8. An individual licensed, certified, registered, or permitted

by the Indiana board of pharmacy (IC 25-26) is a provider under IC 25-1-5-10.

Sec. 9. An individual licensed, certified, registered, or permitted by the board of podiatric medicine (IC 25-29-2-1) is a provider under IC 25-1-5-10.

Sec. 10. An individual licensed, certified, registered, or permitted by the speech-language pathology and audiology board (IC 25-35.6-2) is a provider under IC 25-1-5-10.

Sec. 11. An individual licensed, certified, registered, or permitted by the state psychology board (IC 25-33) is a provider under IC 25-1-5-10.

Sec. 12. An individual licensed, certified, registered, or permitted by the Indiana board of veterinary medical examiners (IC 25-38.1-2) is a provider under IC 25-1-5-10.

Sec. 13. An individual licensed, certified, registered, or permitted by the Indiana physical therapy committee (IC 25-27) is a provider under IC 25-1-5-10.

Sec. 14. An individual licensed, certified, registered, or permitted by the respiratory care committee (IC 25-34.5) is a provider under IC 25-1-5-10.

Sec. 15. An individual licensed, certified, registered, or permitted by the occupational therapy committee (IC 25-23.5) is a provider under IC 25-1-5-10.

Sec. 16. An individual licensed, certified, registered, or permitted by the behavioral health and human services licensing board (IC 25-23.6) is a provider under IC 25-1-5-10.

Sec. 17. An individual licensed, certified, registered, or permitted by the physician assistant committee (IC 25-27.5) is a provider under IC 25-1-5-10.

Sec. 18. An individual licensed, certified, registered, or permitted by the Indiana athletic trainers board (IC 25-5.1-2-1) is a provider under IC 25-1-5-10.

Sec. 19. An individual licensed, certified, registered, or permitted by the Indiana dietitians certification board (IC 25-14.5-2-1) is a provider under IC 25-1-5-10.

Sec. 20. An individual licensed, certified, registered, or permitted by the midwifery committee (IC 25-23.4-2-1) is a provider under IC 25-1-5-10.

Chapter 7. Performance of Administrative Functions, Duties,

and Responsibilities for Entities by the Indiana Professional Licensing Agency Under IC 25-1-6-3

Sec. 1. This chapter sets forth the entities for which the Indiana professional licensing agency performs administrative functions, duties, and responsibilities under IC 25-1-6-3(a).

Sec. 2. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana board of accountancy (IC 25-2.1-2-1) under IC 25-1-6-3(a).

Sec. 3. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the board of registration for architects and landscape architects (IC 25-4-1-2) under IC 25-1-6-3(a).

Sec. 4. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana auctioneer commission (IC 25-6.1-2-1) under IC 25-1-6-3(a).

Sec. 5. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state board of cosmetology and barber examiners (IC 25-8-3-1) under IC 25-1-6-3(a).

Sec. 6. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state board of funeral and cemetery service (IC 25-15-9) under IC 25-1-6-3(a).

Sec. 7. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state board of registration for professional engineers (IC 25-31-1-3) under IC 25-1-6-3(a).

Sec. 8. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana plumbing commission (IC 25-28.5-1-3) under IC 25-1-6-3(a).

Sec. 9. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana real estate commission (IC 25-34.1) under IC 25-1-6-3(a).

Sec. 10. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the real estate appraiser licensure and certification board (IC 25-34.1-8-1) under IC 25-1-6-3(a).

Sec. 11. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the private investigator and security guard licensing board (IC 25-30-1-5.2) under IC 25-1-6-3(a).

Sec. 12. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state board of registration for professional surveyors (IC 25-21.5-2-1) under IC 25-1-6-3(a).

Sec. 13. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the manufactured home installer licensing board (IC 25-23.7) under IC 25-1-6-3(a).

Sec. 14. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the home inspectors licensing board (IC 25-20.2-3-1) under IC 25-1-6-3(a).

Sec. 15. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the state board of massage therapy (IC 25-21.8-2-1) under IC 25-1-6-3(a).

Chapter 8. "Regulated Occupation" for Purposes of IC 25-1-7

Sec. 1. For purposes of IC 25-1-7, "regulated occupation" means an occupation for which a person is licensed, certified, or registered by one (1) of the entities described in this chapter.

Sec. 2. An occupation for which a person is licensed, certified, or registered by the Indiana board of accountancy (IC 25-2.1-2-1) is a regulated occupation under IC 25-1-7.

Sec. 3. An occupation for which a person is licensed, certified, or registered by the board of registration for architects and landscape architects (IC 25-4-1-2) is a regulated occupation under IC 25-1-7.

Sec. 4. An occupation for which a person is licensed, certified, or registered by the Indiana auctioneer commission (IC 25-6.1-2-1) is a regulated occupation under IC 25-1-7.

Sec. 5. An occupation for which a person is licensed, certified, or registered by the board of chiropractic examiners (IC 25-10-1) is a regulated occupation under IC 25-1-7.

Sec. 6. An occupation for which a person is licensed, certified, or registered by the state board of cosmetology and barber examiners (IC 25-8-3-1) is a regulated occupation under IC 25-1-7.

Sec. 7. An occupation for which a person is licensed, certified,

or registered by the state board of dentistry (IC 25-14-1) is a regulated occupation under IC 25-1-7.

Sec. 8. An occupation for which a person is licensed, certified, or registered by the state board of funeral and cemetery service (IC 25-15-9) is a regulated occupation under IC 25-1-7.

Sec. 9. An occupation for which a person is licensed, certified, or registered by the state board of registration for professional engineers (IC 25-31-1-3) is a regulated occupation under IC 25-1-7.

Sec. 10. An occupation for which a person is licensed, certified, or registered by the Indiana state board of health facility administrators (IC 25-19-1) is a regulated occupation under IC 25-1-7.

Sec. 11. An occupation for which a person is licensed, certified, or registered by the medical licensing board of Indiana (IC 25-22.5-2) is a regulated occupation under IC 25-1-7.

Sec. 12. An occupation for which a person is licensed, certified, or registered by the Indiana state board of nursing (IC 25-23-1) is a regulated occupation under IC 25-1-7.

Sec. 13. An occupation for which a person is licensed, certified, or registered by the Indiana optometry board (IC 25-24) is a regulated occupation under IC 25-1-7.

Sec. 14. An occupation for which a person is licensed, certified, or registered by the Indiana board of pharmacy (IC 25-26) is a regulated occupation under IC 25-1-7.

Sec. 15. An occupation for which a person is licensed, certified, or registered by the Indiana plumbing commission (IC 25-28.5-1-3) is a regulated occupation under IC 25-1-7.

Sec. 16. An occupation for which a person is licensed, certified, or registered by the board of podiatric medicine (IC 25-29-2-1) is a regulated occupation under IC 25-1-7.

Sec. 17. An occupation for which a person is licensed, certified, or registered by the state psychology board (IC 25-33) is a regulated occupation under IC 25-1-7.

Sec. 18. An occupation for which a person is licensed, certified, or registered by the speech-language pathology and audiology board (IC 25-35.6-2) is a regulated occupation under IC 25-1-7.

Sec. 19. An occupation for which a person is licensed, certified, or registered by the Indiana real estate commission (IC 25-34.1-2) is a regulated occupation under IC 25-1-7.

Sec. 20. An occupation for which a person is licensed, certified, or registered by the Indiana board of veterinary medical examiners (IC 25-38.1) is a regulated occupation under IC 25-1-7.

Sec. 21. A well water driller licensed by the department of natural resources under IC 25-39-3 is a regulated occupation under IC 25-1-7.

Sec. 22. An occupation for which a person is licensed, certified, or registered by the respiratory care committee (IC 25-34.5) is a regulated occupation under IC 25-1-7.

Sec. 23. An occupation for which a person is licensed, certified, or registered by the private investigator and security guard licensing board (IC 25-30-1-5.2) is a regulated occupation under IC 25-1-7.

Sec. 24. An occupation for which a person is licensed, certified, or registered by the occupational therapy committee (IC 25-23.5) is a regulated occupation under IC 25-1-7.

Sec. 25. An occupation for which a person is licensed, certified, or registered by the behavioral health and human services licensing board (IC 25-23.6) is a regulated occupation under IC 25-1-7.

Sec. 26. An occupation for which a person is licensed, certified, or registered by the real estate appraiser licensure and certification board (IC 25-34.1-8) is a regulated occupation under IC 25-1-7.

Sec. 27. An occupation for which a person is licensed, certified, or registered by the state board of registration for professional surveyors (IC 25-21.5-2-1) is a regulated occupation under IC 25-1-7.

Sec. 28. An occupation for which a person is licensed, certified, or registered by the physician assistant committee (IC 25-27.5) is a regulated occupation under IC 25-1-7.

Sec. 29. An occupation for which a person is licensed, certified, or registered by the Indiana athletic trainers board (IC 25-5.1-2-1) is a regulated occupation under IC 25-1-7.

Sec. 30. An occupation for which a person is licensed, certified, or registered by the Indiana dietitians certification board (IC 25-14.5-2-1) is a regulated occupation under IC 25-1-7.

Sec. 31. An occupation for which a person is licensed, certified, or registered by the Indiana physical therapy committee (IC 25-27) is a regulated occupation under IC 25-1-7.

Sec. 32. An occupation for which a person is licensed, certified,

or registered by the manufactured home installer licensing board (IC 25-23.7) is a regulated occupation under IC 25-1-7.

Sec. 33. An occupation for which a person is licensed, certified, or registered by the home inspectors licensing board (IC 25-20.2-3-1) is a regulated occupation under IC 25-1-7.

Sec. 34. Regarding out-of-state mobile health care entities, an occupation for which a person is licensed, certified, or registered by the state department of health is a regulated occupation under IC 25-1-7.

Sec. 35. An occupation for which a person is licensed, certified, or registered by the state board of massage therapy (IC 25-21.8-2-1) is a regulated occupation under IC 25-1-7.

Sec. 36. An occupation for which a person is licensed, certified, or registered by the midwifery committee (IC 25-23.4-2-1) is a regulated occupation under IC 25-1-7.

Sec. 37. An occupation for which a person is licensed, certified, or registered by any other occupational or professional agency created after June 30, 1981, is a regulated occupation under IC 25-1-7.

Chapter 9. "Board" as Used in IC 25-1-8

Sec. 1. As used in IC 25-1-8, "board" means any of the entities described in this chapter.

Sec. 2. The Indiana board of accountancy (IC 25-2.1-2-1) is a board under IC 25-1-8.

Sec. 3. The board of registration for architects and landscape architects (IC 25-4-1-2) is a board under IC 25-1-8.

Sec. 4. The Indiana auctioneer commission (IC 25-6.1-2-1) is a board under IC 25-1-8.

Sec. 5. The board of chiropractic examiners (IC 25-10-1) is a board under IC 25-1-8.

Sec. 6. The state board of cosmetology and barber examiners (IC 25-8-3-1) is a board under IC 25-1-8.

Sec. 7. The state board of dentistry (IC 25-14-1) is a board under IC 25-1-8.

Sec. 8. The state board of funeral and cemetery service (IC 25-15) is a board under IC 25-1-8.

Sec. 9. The state board of registration for professional engineers (IC 25-31-1-3) is a board under IC 25-1-8.

Sec. 10. The Indiana state board of health facility

administrators (IC 25-19-1) is a board under IC 25-1-8.

Sec. 11. The medical licensing board of Indiana (IC 25-22.5-2) is a board under IC 25-1-8.

Sec. 12. The mining board (IC 22-10-1.5-2) is a board under IC 25-1-8.

Sec. 13. The Indiana state board of nursing (IC 25-23-1) is a board under IC 25-1-8.

Sec. 14. The Indiana optometry board (IC 25-24) is a board under IC 25-1-8.

Sec. 15. The Indiana board of pharmacy (IC 25-26) is a board under IC 25-1-8.

Sec. 16. The Indiana plumbing commission (IC 25-28.5-1-3) is a board under IC 25-1-8.

Sec. 17. The state psychology board (IC 25-33) is a board under IC 25-1-8.

Sec. 18. The speech-language pathology and audiology board (IC 25-35.6-2) is a board under IC 25-1-8.

Sec. 19. The Indiana real estate commission (IC 25-34.1-2-1) is a board under IC 25-1-8.

Sec. 20. The Indiana board of veterinary medical examiners (IC 25-38.1-2-1) is a board under IC 25-1-8.

Sec. 21. The department of insurance (IC 27-1) is a board under IC 25-1-8.

Sec. 22. For purposes of certifying polygraph examiners under IC 25-30-2, the state police department (IC 10-11-2-4) is a board under IC 25-1-8.

Sec. 23. For purposes of licensing water well drillers under IC 25-39-3, the department of natural resources is a board under IC 25-1-8.

Sec. 24. The private investigator and security guard licensing board (IC 25-30-1-5.2) is a board under IC 25-1-8.

Sec. 25. The occupational therapy committee (IC 25-23.5-2-1) is a board under IC 25-1-8.

Sec. 26. The behavioral health and human services licensing board (IC 25-23.6-2-1) is a board under IC 25-1-8.

Sec. 27. The real estate appraiser licensure and certification board (IC 25-34.1-8) is a board under IC 25-1-8.

Sec. 28. The state board of registration for professional surveyors (IC 25-21.5-2-1) is a board under IC 25-1-8.

Sec. 29. The physician assistant committee (IC 25-27.5) is a board under IC 25-1-8.

Sec. 30. The Indiana athletic trainers board (IC 25-5.1-2-1) is a board under IC 25-1-8.

Sec. 31. The board of podiatric medicine (IC 25-29-2-1) is a board under IC 25-1-8.

Sec. 32. The Indiana dietitians certification board (IC 25-14.5-2-1) is a board under IC 25-1-8.

Sec. 33. The Indiana physical therapy committee (IC 25-27) is a board under IC 25-1-8.

Sec. 34. The manufactured home installer licensing board (IC 25-23.7) is a board under IC 25-1-8.

Sec. 35. The home inspectors licensing board (IC 25-20.2-3-1) is a board under IC 25-1-8.

Sec. 36. The state board of massage therapy (IC 25-21.8-2-1) is a board under IC 25-1-8.

Sec. 37. Any other occupational or professional agency created after June 30, 1981, is a board under IC 25-1-8.

Chapter 10. "Board" as Used in IC 25-1-8-6

Sec. 1. As used in IC 25-1-8-6, "board" means any of the entities described in this chapter.

Sec. 2. The Indiana board of accountancy (IC 25-2.1-2-1) is a board under IC 25-1-8-6.

Sec. 3. The board of registration for architects and landscape architects (IC 25-4-1-2) is a board under IC 25-1-8-6.

Sec. 4. The Indiana athletic trainers board (IC 25-5.1-2-1) is a board under IC 25-1-8-6.

Sec. 5. The Indiana auctioneer commission (IC 25-6.1-2-1) is a board under IC 25-1-8-6.

Sec. 6. The board of chiropractic examiners (IC 25-10-1) is a board under IC 25-1-8-6.

Sec. 7. The state board of cosmetology and barber examiners (IC 25-8-3-1) is a board under IC 25-1-8-6.

Sec. 8. The state board of dentistry (IC 25-14-1) is a board under IC 25-1-8-6.

Sec. 9. The Indiana dietitians certification board (IC 25-14.5-2-1) is a board under IC 25-1-8-6.

Sec. 10. The state board of registration for professional engineers (IC 25-31-1-3) is a board under IC 25-1-8-6.

Sec. 11. The state board of funeral and cemetery service (IC 25-15-9) is a board under IC 25-1-8-6.

Sec. 12. The Indiana state board of health facility administrators (IC 25-19-1) is a board under IC 25-1-8-6.

Sec. 13. The committee of hearing aid dealer examiners (IC 25-20-1-1.5) is a board under IC 25-1-8-6.

Sec. 14. The home inspectors licensing board (IC 25-20.2-3-1) is a board under IC 25-1-8-6.

Sec. 15. The state board of registration for professional surveyors (IC 25-21.5-2-1) is a board under IC 25-1-8-6.

Sec. 16. The manufactured home installer licensing board (IC 25-23.7) is a board under IC 25-1-8-6.

Sec. 17. The medical licensing board of Indiana (IC 25-22.5-2) is a board under IC 25-1-8-6.

Sec. 18. The Indiana state board of nursing (IC 25-23-1) is a board under IC 25-1-8-6.

Sec. 19. The occupational therapy committee (IC 25-23.5) is a board under IC 25-1-8-6.

Sec. 20. The Indiana optometry board (IC 25-24) is a board under IC 25-1-8-6.

Sec. 21. The Indiana board of pharmacy (IC 25-26) is a board under IC 25-1-8-6.

Sec. 22. The Indiana physical therapy committee (IC 25-27) is a board under IC 25-1-8-6.

Sec. 23. The physician assistant committee (IC 25-27.5) is a board under IC 25-1-8-6.

Sec. 24. The Indiana plumbing commission (IC 25-28.5-1-3) is a board under IC 25-1-8-6.

Sec. 25. The board of podiatric medicine (IC 25-29-2-1) is a board under IC 25-1-8-6.

Sec. 26. The private investigator and security guard licensing board (IC 25-30-1-5.2) is a board under IC 25-1-8-6.

Sec. 27. The state psychology board (IC 25-33) is a board under IC 25-1-8-6.

Sec. 28. The Indiana real estate commission (IC 25-34.1-2) is a board under IC 25-1-8-6.

Sec. 29. The real estate appraiser licensure and certification board (IC 25-34.1-8) is a board under IC 25-1-8-6.

Sec. 30. The respiratory care committee (IC 25-34.5) is a board

under IC 25-1-8-6.

Sec. 31. The behavioral health and human services licensing board (IC 25-23.6) is a board under IC 25-1-8-6.

Sec. 32. The speech-language pathology and audiology board (IC 25-35.6-2) is a board under IC 25-1-8-6.

Sec. 33. The Indiana board of veterinary medical examiners (IC 25-38.1) is a board under IC 25-1-8-6.

Sec. 34. The state board of massage therapy (IC 25-21.8-2-1) is a board under IC 25-1-8-6.

Chapter 11. "Board" as Used in IC 25-1-9

Sec. 1. As used in IC 25-1-9, "board" means any of the entities described in this chapter.

Sec. 2. The board of chiropractic examiners (IC 25-10-1) is a board under IC 25-1-9.

Sec. 3. The state board of dentistry (IC 25-14-1) is a board under IC 25-1-9.

Sec. 4. The Indiana state board of health facility administrators (IC 25-19-1) is a board under IC 25-1-9.

Sec. 5. The medical licensing board of Indiana (IC 25-22.5-2) is a board under IC 25-1-9.

Sec. 6. The Indiana state board of nursing (IC 25-23-1) is a board under IC 25-1-9.

Sec. 7. The Indiana optometry board (IC 25-24) is a board under IC 25-1-9.

Sec. 8. The Indiana board of pharmacy (IC 25-26) is a board under IC 25-1-9.

Sec. 9. The board of podiatric medicine (IC 25-29-2-1) is a board under IC 25-1-9.

Sec. 10. The speech-language pathology and audiology board (IC 25-35.6-2) is a board under IC 25-1-9.

Sec. 11. The state psychology board (IC 25-33) is a board under IC 25-1-9.

Sec. 12. The Indiana board of veterinary medical examiners (IC 25-38.1-2) is a board under IC 25-1-9.

Sec. 13. The Indiana physical therapy committee (IC 25-27-1) is a board under IC 25-1-9.

Sec. 14. The respiratory care committee (IC 25-34.5) is a board under IC 25-1-9.

Sec. 15. The occupational therapy committee (IC 25-23.5) is a

board under IC 25-1-9.

Sec. 16. The behavioral health and human services licensing board (IC 25-23.6) is a board under IC 25-1-9.

Sec. 17. The physician assistant committee (IC 25-27.5) is a board under IC 25-1-9.

Sec. 18. The Indiana athletic trainers board (IC 25-5.1-2-1) is a board under IC 25-1-9.

Sec. 19. The Indiana dietitians certification board (IC 25-14.5-2-1) is a board under IC 25-1-9.

Chapter 12. "Board" as Used in IC 25-1-11

Sec. 1. As used in IC 25-1-11, "board" means any of the entities described in this chapter.

Sec. 2. The Indiana board of accountancy (IC 25-2.1-2-1) is a board under IC 25-1-11.

Sec. 3. The board of registration for architects and landscape architects (IC 25-4-1-2) is a board under IC 25-1-11.

Sec. 4. The Indiana auctioneer commission (IC 25-6.1-2) is a board under IC 25-1-11.

Sec. 5. The state board of cosmetology and barber examiners (IC 25-8-3-1) is a board under IC 25-1-11.

Sec. 6. The state board of registration for professional surveyors (IC 25-21.5-2-1) is a board under IC 25-1-11.

Sec. 7. The state board of funeral and cemetery service (IC 25-15-9) is a board under IC 25-1-11.

Sec. 8. The state board of registration for professional engineers (IC 25-31-1-3) is a board under IC 25-1-11.

Sec. 9. The Indiana plumbing commission (IC 25-28.5-1-3) is a board under IC 25-1-11.

Sec. 10. The Indiana real estate commission (IC 25-34.1-2-1) is a board under IC 25-1-11.

Sec. 11. The real estate appraiser licensure and certification board (IC 25-34.1-8) is a board under IC 25-1-11.

Sec. 12. The private investigator and security guard licensing board (IC 25-30-1-5.2) is a board under IC 25-1-11.

Sec. 13. The manufactured home installer licensing board (IC 25-23.7) is a board under IC 25-1-11.

Sec. 14. The home inspectors licensing board (IC 25-20.2-3-1) is a board under IC 25-1-11.

Sec. 15. The state board of massage therapy (IC 25-21.8-2-1) is

a board under IC 25-1-11.

SECTION 6. IC 25-1-1.1-4, AS AMENDED BY P.L.232-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the ~~following:~~ **occupations or professions described in IC 25-0.5-1.**

~~(1) IC 25-2.5 (acupuncturists).~~

~~(2) IC 25-10 (chiropractors).~~

~~(3) IC 25-13 (dental hygienists).~~

~~(4) IC 25-14 (dentists).~~

~~(5) IC 25-14.5 (dietitians).~~

~~(6) IC 25-17.3 (genetic counselors).~~

~~(7) IC 25-19 (health facility and residential care facility administrators).~~

~~(8) IC 25-21.8 (massage therapists).~~

~~(9) IC 25-22.5 (physicians).~~

~~(10) IC 25-23 (nurses).~~

~~(11) IC 25-23.4 (certified direct entry midwives).~~

~~(12) IC 25-23.5 (occupational therapists).~~

~~(13) IC 25-23.6 (social workers, marriage and family therapists, and counselors).~~

~~(14) IC 25-24 (optometrists).~~

~~(15) IC 25-26 (pharmacists).~~

~~(16) IC 25-27 (physical therapists).~~

~~(17) IC 25-27.5 (physician assistants).~~

~~(18) IC 25-29 (podiatrists).~~

~~(19) IC 25-33 (psychologists).~~

~~(20) IC 25-34.5 (respiratory care practitioners).~~

~~(21) IC 25-35.6 (speech pathologists and audiologists).~~

~~(22) IC 25-38.1 (veterinarians).~~

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

SECTION 7. IC 25-1-2-2.1, AS AMENDED BY P.L.232-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. Rather than being issued annually, the ~~following~~ permits, licenses, certificates of registration, or evidences of authority granted by a state agency **and described in IC 25-0.5-2** must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years.

~~(1) Certified public accountants, public accountants, and accounting practitioners.~~

~~(2) Architects and landscape architects.~~

~~(3) Dry cleaners.~~

~~(4) Professional engineers.~~

~~(5) Professional surveyors.~~

~~(6) Real estate brokers.~~

~~(7) Real estate agents.~~

~~(8) Security dealers' licenses issued by the securities commissioner.~~

~~(9) Dental hygienists.~~

~~(10) Dentists.~~

~~(11) Veterinarians.~~

~~(12) Physicians.~~

~~(13) Chiropractors.~~

~~(14) Physical therapists.~~

~~(15) Optometrists.~~

~~(16) Pharmacists and assistants, drugstores or pharmacies.~~

~~(17) Motels and mobile home community licenses.~~

~~(18) Nurses.~~

~~(19) Podiatrists.~~

~~(20) Occupational therapists and occupational therapy assistants.~~

~~(21) Respiratory care practitioners.~~

~~(22) Social workers, marriage and family therapists, and mental health counselors.~~

~~(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.~~

~~(24) Wholesale legend drug distributors.~~

~~(25) Physician assistants.~~

~~(26) Dietitians.~~

~~(27) Athlete agents.~~

~~(28) Manufactured home installers.~~

~~(29) Home inspectors.~~

~~(30) Massage therapists.~~

~~(31) Interior designers.~~

~~(32) Genetic counselors.~~

~~(33) Direct entry midwives.~~

SECTION 8. IC 25-1-2-6, AS AMENDED BY P.L.232-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the ~~following~~ entities **described in IC 25-0.5-3** that regulate occupations or professions under the Indiana Code.

~~(1) Indiana board of accountancy.~~

~~(2) Indiana grain buyers and warehouse licensing agency.~~

~~(3) Indiana auctioneer commission.~~

~~(4) Board of registration for architects and landscape architects.~~

~~(5) State board of cosmetology and barber examiners.~~

~~(6) Medical licensing board of Indiana.~~

~~(7) Secretary of state.~~

~~(8) State board of dentistry.~~

~~(9) State board of funeral and cemetery service.~~

~~(10) Worker's compensation board of Indiana.~~

~~(11) Indiana state board of health facility administrators.~~

~~(12) Committee of hearing aid dealer examiners.~~

~~(13) Indiana state board of nursing.~~

~~(14) Indiana optometry board.~~
~~(15) Indiana board of pharmacy.~~
~~(16) Indiana plumbing commission.~~
~~(17) Board of podiatric medicine.~~
~~(18) Private investigator and security guard licensing board.~~
~~(19) State board of registration for professional engineers.~~
~~(20) State psychology board.~~
~~(21) Indiana real estate commission.~~
~~(22) Speech-language pathology and audiology board.~~
~~(23) Department of natural resources.~~
~~(24) Board of chiropractic examiners.~~
~~(25) Mining board.~~
~~(26) Indiana board of veterinary medical examiners.~~
~~(27) State department of health.~~
~~(28) Indiana physical therapy committee.~~
~~(29) Respiratory care committee.~~
~~(30) Occupational therapy committee.~~
~~(31) Behavioral health and human services licensing board.~~
~~(32) Real estate appraiser licensure and certification board.~~
~~(33) State board of registration for professional surveyors.~~
~~(34) Physician assistant committee.~~
~~(35) Indiana dietitians certification board.~~
~~(36) Attorney general (only for the regulation of athlete agents).~~
~~(37) Manufactured home installer licensing board.~~
~~(38) Home inspectors licensing board.~~
~~(39) State board of massage therapy.~~
~~(40) Midwifery committee.~~
~~(41) Any other occupational or professional agency created after June 30, 1981.~~

(c) Notwithstanding any other law, the entities ~~included~~ **referenced** in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

(d) Notwithstanding any other law, the entities ~~included~~ **referenced** in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

SECTION 9. IC 25-1-4-0.3, AS AMENDED BY P.L.57-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.3. As used in this chapter, "board" means any of the ~~following:~~ **entities described in IC 25-0.5-4.**

~~(1) Indiana board of accountancy (IC 25-2.1-2-1).~~

~~(2) Board of registration for architects and landscape architects (IC 25-4-1-2).~~

~~(3) Indiana athletic trainers board (IC 25-5.1-2-1).~~

~~(4) Indiana auctioneer commission (IC 25-6.1-2-1).~~

~~(5) Board of chiropractic examiners (IC 25-10-1).~~

~~(6) State board of cosmetology and barber examiners (IC 25-8-3-1).~~

~~(7) State board of dentistry (IC 25-14-1).~~

~~(8) Indiana dietitians certification board (IC 25-14.5-2-1).~~

~~(9) State board of registration for professional engineers (IC 25-31-1-3).~~

~~(10) State board of funeral and cemetery service (IC 25-15-9).~~

~~(11) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).~~

~~(13) Home inspectors licensing board (IC 25-20.2-3-1).~~

~~(14) State board of registration for professional surveyors (IC 25-21.5-2-1).~~

~~(15) Manufactured home installer licensing board (IC 25-23.7).~~

~~(16) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(17) Indiana state board of nursing (IC 25-23-1).~~

~~(18) Occupational therapy committee (IC 25-23.5).~~
~~(19) Indiana optometry board (IC 25-24).~~
~~(20) Indiana board of pharmacy (IC 25-26).~~
~~(21) Indiana physical therapy committee (IC 25-27-1).~~
~~(22) Physician assistant committee (IC 25-27.5).~~
~~(23) Indiana plumbing commission (IC 25-28.5-1-3).~~
~~(24) Board of podiatric medicine (IC 25-29-2-1).~~
~~(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~
~~(26) State psychology board (IC 25-33).~~
~~(27) Indiana real estate commission (IC 25-34.1-2).~~
~~(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).~~
~~(29) Respiratory care committee (IC 25-34.5).~~
~~(30) Behavioral health and human services licensing board (IC 25-23.6).~~
~~(31) Speech-language pathology and audiology board (IC 25-35.6-2).~~
~~(32) Indiana board of veterinary medical examiners (IC 25-38.1-2).~~

SECTION 10. IC 25-1-5-2, AS AMENDED BY P.L.206-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~As used in~~ **The following terms are defined for** this chapter:

(1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.

(2) "Board" means any agency, board, advisory committee, or group ~~included~~ **described** in ~~section 3 of this chapter.~~ **IC 25-0.5-5.**

SECTION 11. IC 25-1-5-3, AS AMENDED BY P.L.232-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the ~~following:~~ **entities described in IC 25-0.5-5.**

~~(1) Board of chiropractic examiners (IC 25-10-1).~~
~~(2) State board of dentistry (IC 25-14-1).~~

~~(3) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(4) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(5) Indiana state board of nursing (IC 25-23-1).~~

~~(6) Indiana optometry board (IC 25-24).~~

~~(7) Indiana board of pharmacy (IC 25-26).~~

~~(8) Board of podiatric medicine (IC 25-29-2-1).~~

~~(9) Speech-language pathology and audiology board (IC 25-35.6-2).~~

~~(10) State psychology board (IC 25-33).~~

~~(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).~~

~~(12) Committee of hearing aid dealer examiners (IC 25-20).~~

~~(13) Indiana physical therapy committee (IC 25-27).~~

~~(14) Respiratory care committee (IC 25-34.5).~~

~~(15) Occupational therapy committee (IC 25-23.5).~~

~~(16) Behavioral health and human services licensing board (IC 25-23.6).~~

~~(17) Physician assistant committee (IC 25-27.5).~~

~~(18) Indiana athletic trainers board (IC 25-5.1-2-1).~~

~~(19) Indiana dietitians certification board (IC 25-14.5-2-1).~~

~~(20) Midwifery committee (IC 25-23.4-2-1).~~

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

SECTION 12. IC 25-1-5-4, AS AMENDED BY P.L.177-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;

(2) recordkeeping of board meetings, proceedings, and actions;

(3) recordkeeping of all persons licensed, regulated, or certified by a board;

(4) administration of examinations; and

(5) administration of license or certificate issuance or renewal.

(b) In addition, the agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards **described** in ~~section 3 of this chapter;~~

IC 25-0.5-5;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and

(4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the

renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 13. IC 25-1-5-5, AS AMENDED BY P.L.6-2012, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board ~~listed~~ **described** in ~~section 3 of this chapter,~~ **IC 25-0.5-5,** means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint not more than three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do

business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

SECTION 14. IC 25-1-5-10, AS AMENDED BY P.L.232-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the ~~following:~~ **entities described in IC 25-0.5-6.**

~~(1) Board of chiropractic examiners (IC 25-10-1).~~

~~(2) State board of dentistry (IC 25-14-1).~~

~~(3) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(4) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(5) Indiana state board of nursing (IC 25-23-1).~~

~~(6) Indiana optometry board (IC 25-24).~~

~~(7) Indiana board of pharmacy (IC 25-26).~~

~~(8) Board of podiatric medicine (IC 25-29-2-1).~~

~~(9) Speech-language pathology and audiology board (IC 25-35.6-2).~~

~~(10) State psychology board (IC 25-33).~~

~~(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).~~

~~(12) Indiana physical therapy committee (IC 25-27).~~

~~(13) Respiratory care committee (IC 25-34.5).~~

~~(14) Occupational therapy committee (IC 25-23.5).~~

~~(15) Behavioral health and human services licensing board (IC 25-23.6).~~

~~(16) Physician assistant committee (IC 25-27.5).~~

~~(17) Indiana athletic trainers board (IC 25-5.1-2-1).~~

~~(18) Indiana dietitians certification board (IC 25-14.5-2-1).~~

~~(19) Midwifery committee (IC 25-23.4-2-1).~~

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by ~~a board or committee~~ **an entity** described in ~~subsection (a).~~ **IC 25-0.5-6.**

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

SECTION 15. IC 25-1-6-2, AS AMENDED BY P.L.206-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~As used in~~ **The following terms are defined for** this chapter:

(1) "Board" means any agency, board, advisory committee, or

group ~~included~~ **described** in ~~section 3 of this chapter.~~ **IC 25-0.5-7.**

(2) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

SECTION 16. IC 25-1-6-3, AS AMENDED BY P.L.57-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the ~~following:~~ **entities described in IC 25-0.5-7.**

~~(1) Indiana board of accountancy (IC 25-2.1-2-1).~~

~~(2) Board of registration for architects and landscape architects (IC 25-4-1-2).~~

~~(3) Indiana auctioneer commission (IC 25-6.1-2-1).~~

~~(4) State board of cosmetology and barber examiners (IC 25-8-3-1).~~

~~(5) State board of funeral and cemetery service (IC 25-15-9).~~

~~(6) State board of registration for professional engineers (IC 25-31-1-3).~~

~~(7) Indiana plumbing commission (IC 25-28.5-1-3).~~

~~(8) Indiana real estate commission (IC 25-34.1).~~

~~(9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).~~

~~(10) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~

~~(11) State board of registration for professional surveyors (IC 25-21.5-2-1).~~

~~(12) Manufactured home installer licensing board (IC 25-23.7).~~

~~(13) Home inspectors licensing board (IC 25-20.2-3-1).~~

~~(14) State board of massage therapy (IC 25-21.8-2-1).~~

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 17. IC 25-1-6-4, AS AMENDED BY P.L.194-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;
(2) record keeping of board meetings, proceedings, and actions;
(3) record keeping of all persons or individuals licensed, regulated, or certified by a board;
(4) administration of examinations; and
(5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:
(1) shall prepare a consolidated statement of the budget requests of all the boards **described** in ~~section 3 of this chapter;~~ **IC 25-0.5-7;**
(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
(3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:
(1) renew the license or certificate; and
(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:
(1) meets the minimum requirements for licensure or certification; and
(2) is not in violation of:
(A) the law regulating the applicant's profession; or
(B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the

board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 18. IC 25-1-6-5, AS AMENDED BY P.L.6-2012, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board ~~listed~~ **described** in ~~section 3 of this chapter,~~ **IC 25-0.5-7,** means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands

or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

SECTION 19. IC 25-1-6-5.5, AS AMENDED BY P.L.194-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. A person who has a license renewal denied by a board ~~listed~~ **described** in ~~section 3 of this chapter~~ **IC 25-0.5-7** may file an appeal of the denial in accordance with IC 4-21.5-3.

SECTION 20. IC 25-1-7-1, AS AMENDED BY P.L.232-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~As used in~~ **The following terms are defined for** this chapter:

(1) "Board" means the appropriate ~~agency listed~~ **entity described** in ~~the definition of regulated occupation in this section.~~ **IC 25-0.5-8.**

(2) "Director" refers to the director of the division of consumer protection.

(3) "Division" refers to the division of consumer protection, office of the attorney general.

(4) "Licensee" means a person who is:

~~(1)~~ **(A)** licensed, certified, or registered by ~~a board listed in this section;~~ **an entity described in IC 25-0.5-8;** and

~~(2)~~ **(B)** the subject of a complaint filed with the division.

(5) "Person" means an individual, a partnership, a limited liability company, or a corporation.

(6) "Regulated occupation" means an occupation in which a

person is licensed, certified, or registered by one (1) of the ~~following:~~ **entities described in IC 25-0.5-8.**

~~(1) Indiana board of accountancy (IC 25-2.1-2-1).~~

~~(2) Board of registration for architects and landscape architects (IC 25-4-1-2).~~

~~(3) Indiana auctioneer commission (IC 25-6.1-2-1).~~

~~(4) Board of chiropractic examiners (IC 25-10-1).~~

~~(5) State board of cosmetology and barber examiners (IC 25-8-3-1).~~

~~(6) State board of dentistry (IC 25-14-1).~~

~~(7) State board of funeral and cemetery service (IC 25-15-9).~~

~~(8) State board of registration for professional engineers (IC 25-31-1-3).~~

~~(9) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(10) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(11) Indiana state board of nursing (IC 25-23-1).~~

~~(12) Indiana optometry board (IC 25-24).~~

~~(13) Indiana board of pharmacy (IC 25-26).~~

~~(14) Indiana plumbing commission (IC 25-28.5-1-3).~~

~~(15) Board of podiatric medicine (IC 25-29-2-1).~~

~~(16) State psychology board (IC 25-33).~~

~~(17) Speech-language pathology and audiology board (IC 25-35.6-2).~~

~~(18) Indiana real estate commission (IC 25-34.1-2).~~

~~(19) Indiana board of veterinary medical examiners (IC 25-38.1).~~

~~(20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.~~

~~(21) Respiratory care committee (IC 25-34.5).~~

~~(22) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~

~~(23) Occupational therapy committee (IC 25-23.5).~~

~~(24) Behavioral health and human services licensing board (IC 25-23.6).~~

~~(25) Real estate appraiser licensure and certification board (IC 25-34.1-8).~~

~~(26) State board of registration for professional surveyors (IC 25-21.5-2-1).~~

~~(27) Physician assistant committee (IC 25-27.5).~~
~~(28) Indiana athletic trainers board (IC 25-5.1-2-1).~~
~~(29) Indiana dietitians certification board (IC 25-14.5-2-1).~~
~~(30) Indiana physical therapy committee (IC 25-27).~~
~~(31) Manufactured home installer licensing board (IC 25-23.7).~~
~~(32) Home inspectors licensing board (IC 25-20.2-3-1).~~
~~(33) State department of health, for out-of-state mobile health care entities.~~
~~(34) State board of massage therapy (IC 25-21.8-2-1).~~
~~(35) Midwifery committee (IC 25-23.4-2-1).~~
~~(36) Any other occupational or professional agency created after June 30, 1981.~~

SECTION 21. IC 25-1-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the ~~boards listed in section 1 of this chapter.~~ **entities described in IC 25-0.5-8.**

SECTION 22. IC 25-1-7-5, AS AMENDED BY P.L.226-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the ~~boards listed in section 1 of this chapter;~~ **entities described in IC 25-0.5-8;** or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b) of this chapter, the director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

SECTION 23. IC 25-1-7-6, AS AMENDED BY P.L.206-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the ~~boards listed in section 1 of this chapter;~~ **entities described in IC 25-0.5-8;** or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day ~~time~~ period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

SECTION 24. IC 25-1-8-1, AS AMENDED BY P.L.57-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 1. As used in this chapter, "board" means any of the ~~following:~~ **entities described in IC 25-0.5-9.**

~~(1) Indiana board of accountancy (IC 25-2.1-2-1).~~

~~(2) Board of registration for architects and landscape architects (IC 25-4-1-2).~~

~~(3) Indiana auctioneer commission (IC 25-6.1-2-1).~~

~~(4) Board of chiropractic examiners (IC 25-10-1).~~

~~(5) State board of cosmetology and barber examiners (IC 25-8-3-1).~~

~~(6) State board of dentistry (IC 25-14-1).~~

~~(7) State board of funeral and cemetery service (IC 25-15).~~

~~(8) State board of registration for professional engineers (IC 25-31-1-3).~~

~~(9) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(10) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(11) Mining board (IC 22-10-1.5-2).~~

~~(12) Indiana state board of nursing (IC 25-23-1).~~

~~(13) Indiana optometry board (IC 25-24).~~

~~(14) Indiana board of pharmacy (IC 25-26).~~

~~(15) Indiana plumbing commission (IC 25-28.5-1-3).~~

~~(16) State psychology board (IC 25-33).~~

~~(17) Speech-language pathology and audiology board (IC 25-35.6-2).~~

~~(18) Indiana real estate commission (IC 25-34.1-2-1).~~

~~(19) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).~~

~~(20) Department of insurance (IC 27-1).~~

~~(21) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.~~

~~(22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.~~

~~(23) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~

~~(24) Occupational therapy committee (IC 25-23.5-2-1).~~

~~(25) Behavioral health and human services licensing board (IC 25-23.6-2-1).~~

~~(26) Real estate appraiser licensure and certification board~~

~~(IC 25-34.1-8).~~

~~(27) State board of registration for professional surveyors (IC 25-21.5-2-1).~~

~~(28) Physician assistant committee (IC 25-27.5).~~

~~(29) Indiana athletic trainers board (IC 25-5.1-2-1).~~

~~(30) Board of podiatric medicine (IC 25-29-2-1).~~

~~(31) Indiana dietitians certification board (IC 25-14.5-2-1).~~

~~(32) Indiana physical therapy committee (IC 25-27).~~

~~(33) Manufactured home installer licensing board (IC 25-23.7).~~

~~(34) Home inspectors licensing board (IC 25-20.2-3-1).~~

~~(35) State board of massage therapy (IC 25-21.8-2-1).~~

~~(36) Any other occupational or professional agency created after June 30, 1981.~~

SECTION 25. IC 25-1-8-6, AS AMENDED BY P.L.84-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "board" means any of the ~~following:~~ **entities described in IC 25-0.5-10.**

~~(1) Indiana board of accountancy (IC 25-2.1-2-1).~~

~~(2) Board of registration for architects and landscape architects (IC 25-4-1-2).~~

~~(3) Indiana athletic trainers board (IC 25-5.1-2-1).~~

~~(4) Indiana auctioneer commission (IC 25-6.1-2-1).~~

~~(5) Board of chiropractic examiners (IC 25-10-1).~~

~~(6) State board of cosmetology and barber examiners (IC 25-8-3-1).~~

~~(7) State board of dentistry (IC 25-14-1).~~

~~(8) Indiana dietitians certification board (IC 25-14.5-2-1).~~

~~(9) State board of registration for professional engineers (IC 25-31-1-3).~~

~~(10) State board of funeral and cemetery service (IC 25-15-9).~~

~~(11) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).~~

~~(13) Home inspectors licensing board (IC 25-20.2-3-1).~~

~~(14) State board of registration for land surveyors (IC 25-21.5-2-1).~~

~~(15) Manufactured home installer licensing board (IC 25-23.7).~~

~~(16) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(17) Indiana state board of nursing (IC 25-23-1).~~
~~(18) Occupational therapy committee (IC 25-23.5).~~
~~(19) Indiana optometry board (IC 25-24).~~
~~(20) Indiana board of pharmacy (IC 25-26).~~
~~(21) Indiana physical therapy committee (IC 25-27).~~
~~(22) Physician assistant committee (IC 25-27.5).~~
~~(23) Indiana plumbing commission (IC 25-28.5-1-3).~~
~~(24) Board of podiatric medicine (IC 25-29-2-1).~~
~~(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~
~~(26) State psychology board (IC 25-33).~~
~~(27) Indiana real estate commission (IC 25-34.1-2).~~
~~(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).~~
~~(29) Respiratory care committee (IC 25-34.5).~~
~~(30) Behavioral health and human services licensing board (IC 25-23.6).~~
~~(31) Speech-language pathology and audiology board (IC 25-35.6-2).~~
~~(32) Indiana board of veterinary medical examiners (IC 25-38.1).~~
~~(33) State board of massage therapy (IC 25-21.8-2-1).~~

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing

education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 26. IC 25-1-9-1, AS AMENDED BY P.L.84-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "board" means any of the ~~following:~~ **entities described in IC 25-0.5-11.**

~~(1) Board of chiropractic examiners (IC 25-10-1).~~

~~(2) State board of dentistry (IC 25-14-1).~~

~~(3) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(4) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(5) Indiana state board of nursing (IC 25-23-1).~~

~~(6) Indiana optometry board (IC 25-24).~~

~~(7) Indiana board of pharmacy (IC 25-26).~~

~~(8) Board of podiatric medicine (IC 25-29-2-1).~~

~~(9) Speech-language pathology and audiology board (IC 25-35.6-2).~~

~~(10) State psychology board (IC 25-33).~~

~~(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).~~

~~(12) Indiana physical therapy committee (IC 25-27-1).~~

~~(13) Respiratory care committee (IC 25-34.5).~~

~~(14) Occupational therapy committee (IC 25-23.5).~~

~~(15) Behavioral health and human services licensing board (IC 25-23.6).~~

~~(16) Physician assistant committee (IC 25-27.5).~~

~~(17) Indiana athletic trainers board (IC 25-5.1-2-1).~~

~~(18) Indiana dietitians certification board (IC 25-14.5-2-1).~~

SECTION 27. IC 25-1-11-1, AS AMENDED BY P.L.42-2011, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "board" means any of the ~~following:~~ **entities described in IC 25-0.5-12.**

~~(1) Indiana board of accountancy (IC 25-2.1-2-1).~~

~~(2) Board of registration for architects and landscape architects (IC 25-4-1-2).~~

~~(3) Indiana auctioneer commission (IC 25-6.1-2).~~

~~(4) State board of cosmetology and barber examiners (IC 25-8-3-1).~~

~~(5) State board of registration for land surveyors (IC 25-21.5-2-1).~~

~~(6) State board of funeral and cemetery service (IC 25-15-9).~~

~~(7) State board of registration for professional engineers (IC 25-31-1-3).~~

~~(8) Indiana plumbing commission (IC 25-28.5-1-3).~~

~~(9) Indiana real estate commission (IC 25-34.1-2-1).~~

~~(10) Real estate appraiser licensure and certification board (IC 25-34.1-8).~~

~~(11) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~

~~(12) Manufactured home installer licensing board (IC 25-23.7).~~

~~(13) Home inspectors licensing board (IC 25-20.2-3-1).~~

~~(14) State board of massage therapy (IC 25-21.8-2-1).~~

SECTION 28. IC 33-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this section, "practitioner" means a person who holds a license. The term includes the following:

(1) An attorney.

(2) A person practicing an occupation or a profession that is licensed under IC 27 or by ~~a board referred to~~ **an entity described** in ~~IC 25-1-2-6(b).~~ **IC 25-0.5-3.**

SECTION 29. IC 34-52-2-1, AS AMENDED BY P.L.1-2010, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Subject to any other statute governing reimbursement of fees and other expenses, this chapter applies to the reimbursement of the fees and other expenses incurred in preparing for or prosecuting:

(1) a proceeding under IC 4-21.5-5 to judicially review a final order made by a state agency;

(2) an appeal from a final determination made by the worker's compensation board;

(3) an appeal of a final determination made by the department of state revenue; or

(4) an appeal of a final determination made by the department of workforce development or the department of workforce development unemployment insurance review board.

(b) However, this chapter does not apply to an order or other determination:

(1) under:

(A) IC 16-27-1;

(B) IC 16-28;

(C) IC 16-30;

(D) IC 12-28-4; or

(E) IC 12-28-5;

(2) by an agency described ~~by IC 25-1-8-1;~~ **in IC 25-0.5-9;** or

(3) by the board of podiatric medicine.

P.L.4-2014
[S.58. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 10-17-13-5, AS AMENDED BY P.L.113-2010, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The commission consists of the following members:

(1) Seven (7) members appointed by the governor. The governor shall consider the following when making appointments under this subdivision:

(A) Membership ~~in:~~ **in**

~~(i)~~ a veterans association established under IC 10-18-6. ~~or~~

~~(ii) a veterans organization listed in IC 10-18-8-1.~~

(B) Service in the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard (as defined in IC 5-9-4-4).

(C) Experience in education, including higher education, vocational education, or adult education.

(D) Experience in investment banking or finance.

The governor shall designate one (1) member appointed under this subdivision to serve as chairperson of the commission.

(2) The director of veterans' affairs appointed under IC 10-17-1-5 or the director's designee.

(3) The adjutant general of the military department of the state appointed under IC 10-16-2-6 or the adjutant general's designee.

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

(A) Two (2) members of the senate, one (1) from each political party, appointed by the president pro tempore of the senate

with advice from the minority leader of the senate.

(B) Two (2) members of the house of representatives, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

Members appointed under this subdivision are nonvoting, advisory members and must serve on a standing committee of the senate or house of representatives that has subject matter jurisdiction over military and veterans affairs.

SECTION 2. IC 10-18-8-1, AS AMENDED BY P.L.15-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a)~~ The respective authorities of counties, townships, cities, and towns each may appropriate annually to one (1) or more posts, garrisons, or camps of ~~each of the following organizations~~ **a military service organization or veterans service organization** in the respective counties, townships, cities, or towns a sum to aid in defraying the expenses of Memorial Day.

~~(1) Veterans of Foreign Wars of the United States.~~

~~(2) United Spanish War Veterans.~~

~~(3) Disabled American Veterans of the World War.~~

~~(4) The American Legion.~~

~~(5) The Army and Navy Union of the United States of America.~~

~~(6) Marine Corps League.~~

~~(7) Veterans of World War I, Inc.~~

~~(8) American Veterans of World War II.~~

~~(9) Catholic War Veterans.~~

~~(10) Jewish War Veterans.~~

~~(11) American Ex-Prisoners of War.~~

~~(12) American Veterans of World War II, Korea, and Vietnam (AMVETS).~~

~~(13) American War Mothers.~~

~~(14) Blinded Veterans Association.~~

~~(15) Congressional Medal of Honor Society of the United States of America.~~

~~(16) Gold Star Wives of America, Inc.~~

~~(17) Legion of Valor of the U.S.A., Inc.~~

~~(18) Military Order of the Purple Heart of the U.S.A., Inc.~~

~~(19) Non Commissioned Officers Association (NCOA).~~

~~(20) Paralyzed Veterans of America.~~

~~(21) Pearl Harbor Survivors Association, Inc.~~

~~(22) Polish Legion of American Veterans, USA.~~

~~(23) Regular Veterans Association.~~

~~(24) The Retired Enlisted Association.~~

~~(25) U.S. Submarine Veterans of World War II.~~

~~(26) Vietnam Veterans of America, Inc.~~

~~(27) Women's Army Corps Veterans Association.~~

~~(b) In a county in which one (1) of the organizations listed in subsection (a) coordinates the Memorial Day celebration for the county, the county council may annually appropriate to the organization coordinating the celebration a sum to defray the expenses of the Memorial Day celebration.~~

~~(c) In a county in which there is a county Memorial Day society, county veterans' council, or any other county Memorial Day association not listed in subsection (a) that coordinates the Memorial Day celebration for the county instead of one (1) of the organizations listed in subsection (a), the county council may annually appropriate to one (1) society, council, or association, instead of the appropriations to the various organizations listed in subsection (a), a sum to aid in defraying the expenses of the Memorial Day celebration.~~

~~(d) An appropriation under subsection (b) or (c) is in addition to any appropriation under subsection (a).~~

SECTION 3. IC 21-41-10-10, AS ADDED BY SEA 24-2014, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Each state educational institution shall designate a program coordinator.

(b) The duties of the coordinator include the following:

(1) Develop programs to create a positive educational environment for veteran students while the veteran student is enrolled at the state educational institution.

(2) Develop training programs for the state educational institution's personnel relating to:

(A) issues associated with identifying and assisting veteran students with posttraumatic stress disorder;

(B) veteran benefits; and

(C) any issue that the coordinator determines will educate a state educational institution's faculty or staff of the special

needs of veteran students.

(3) Make recommendations to the commission for higher education established under IC 21-18-2 concerning ways to improve the education of veteran students.

(4) Coordinate access to stress management, counseling programs, and other resources available to a veteran student at the state educational institution.

(5) Coordinate with the Indiana department of veterans' affairs established by IC 10-17-1-2 to educate veteran students about state benefits available to Indiana veterans.

(6) Coordinate with the United States Department of Veterans Affairs to educate veteran students about federal benefits available to veterans.

(7) Coordinate with the adjutant general or the adjutant general's designee to educate veteran students about benefits and programs available to veteran students who served or are currently serving in the national guard.

(8) Coordinate activities, seminars, and programs for veteran students presented by a veterans organization. ~~listed in IC 10-18-8-1.~~

(9) Coordinate campus activities and social events designed for veteran students.

(10) Develop programs to assist a veteran student to locate employment.

(11) Develop internship programs designed specifically for veteran students.

(12) Develop an Internet web site to provide veteran students access to veteran resources.

P.L.5-2014
[S.209. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10.3-12-23, AS ADDED BY P.L.22-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) Each member's contribution to the plan is equal to three percent (3%) of the member's compensation. The state shall pay the member's contribution on behalf of each member of the plan each year.

(b) To the extent permitted by the Internal Revenue Code and applicable regulations, a member of the plan may make contributions to the plan in addition to the contribution required under subsection (a). IC 5-10.2-3-2(c) and IC 5-10.2-3-2(d) govern additional contributions made under this subsection.

~~(b)~~ **(c)** Member contributions will be credited to the member's account as specified in IC 5-10.2-3.

~~(c)~~ **(d)** Although designated as employee contributions, the contributions made under subsection (a) are picked up and paid by the state as the employer in lieu of the contributions being paid by the employee in accordance with section 414(h)(2) of the Internal Revenue Code. A member may not receive any amounts paid by the state under this section directly instead of having the amounts paid to the plan.

P.L.6-2014
[S.217. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-241 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground storage tank", for purposes of section 161 of this chapter and IC 13-23, means one (1) tank or a combination of tanks: ~~including underground pipes connected to the tank or combination of tanks:~~

(1) that is used to contain an accumulation of regulated substances; and

(2) the volume of which, including the volume of the underground connected pipes **described in subsection (b),** is at least ten percent (10%) beneath the surface of the ground.

(b) If:

(1) a single tank; or

(2) a combination of tanks;

constitutes an underground storage tank under subsection (a), any underground pipes that are connected to the single tank or combination of tanks are also part of the underground storage tank.

(c) The term defined in subsection (a) includes a single tank:

(1) that meets the definition set forth in subsection (a); and

(2) in which there are separate compartments.

~~(b)~~ **(d)** The term does not include any of the following:

(1) A farm or residential tank with a capacity of not more than one thousand one hundred (1,100) gallons that is used for storing motor fuel for noncommercial purposes.

(2) A tank used for storing heating oil for consumptive use on the premises on which the tank is stored.

(3) A septic tank.

(4) A pipeline facility, including gathering lines, that:

(A) is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.);

(B) is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.); or

(C) is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (A) through (B).

(5) A surface impoundment, pit, pond, or lagoon.

(6) A stormwater or wastewater collection system.

(7) A flow-through process tank.

(8) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(9) A storage tank situated in an underground area such as:

(A) a basement;

(B) a cellar;

(C) a mineworking;

(D) a drift;

(E) a shaft; or

(F) a tunnel;

if the storage tank is situated upon or above the surface of the floor.

(10) Any other tank exempted by a rule adopted by the solid waste management board in accordance with regulations adopted by the Administrator of the United States Environmental Protection Agency.

(11) A pipe connected to a tank described in subdivisions (1) through (10).

SECTION 2. IC 13-23-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The provisions of ~~IC 13-11-2-241(b)(10)~~ **IC 13-11-2-241(d)(10)** and sections 1(6) and 5(c) of this chapter requiring the concurrence of the Administrator of the United States Environmental Protection Agency for an action of the board or commissioner to be effective are nullified if the Administrator grants to the commissioner, under the program approved under Section 9004 of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6991c, as amended), the authority to take the action without the Administrator's specific concurrence.

SECTION 3. IC 13-23-12-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each year, ~~the owner of~~ **if** an underground storage tank ~~that~~ has not been closed before ~~July~~ **January** 1 of ~~any~~ **the** year under:

(1) rules adopted under IC 13-23-1-2; or

(2) a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2;

the owner of the underground storage tank shall pay to the department ~~of state revenue~~ an annual registration fee.

(b) The annual registration fee required by this section is as follows:

(1) Ninety dollars ($90) for each underground petroleum storage tank.

(2) Two hundred forty-five dollars ($245) for each underground storage tank containing regulated substances other than petroleum.

(c) If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank.

~~(c)~~ **(d)** If an underground storage tank consists of a combination of tanks, a separate fee shall be paid **under subsection (b)** for **each compartment within** each tank **in the combination of tanks.**

(e) For purposes of determining eligibility for payment of part of the liability of owners and operators of underground petroleum storage tanks under IC 13-23-8, only fees paid in 1991 or later shall be considered.

(f) The following apply to tanks that contain separate compartments and that were in use before July 1, 2014:

(1) For the period preceding July 1, 2014, the payment of a single annual fee of ninety dollars ($90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection (b).

(2) The department shall not be required to pay any refunds to a tank owner that paid a separate fee under subsection (b) for each compartment within a tank before July 1, 2014.

SECTION 4. IC 36-9-27-53.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 53.5. (a) A county surveyor or board planning to perform a project for the reconstruction or maintenance of a regulated drain under ~~IC 36-9-27~~ **this chapter**

that:

(1) is subject to regulation under:

(A) IC 14-26-5; or

(B) IC 14-28-1; or

(2) requires an individual permit under Section 404 of the federal Clean Water Act (33 U.S.C. 1344);

shall request ~~an onsite field~~ **a** review of the project through a written notification ~~of~~ **to** the division of water of the department of natural resources (referred to as "the division" in this section). **The notification may include a request to schedule an onsite field review of the project.**

(b) **If an onsite field review is requested,** not more than fourteen (14) days after it receives ~~a notification~~ **the request** under subsection (a), the division shall contact the county surveyor or the designee of the county surveyor and the department of environmental management to establish a date, time, and location for the onsite field review.

(c) ~~The~~ **If an** onsite field review **is scheduled, it** shall be conducted by a team consisting of:

(1) one (1) or more representatives of the county;

(2) one (1) or more representatives of the department of natural resources, including an engineer from the division of water;

(3) one (1) or more representatives of the department of environmental management; and

(4) if applicable, representatives of the local soil and water conservation district.

(d) Not more than thirty (30) calendar days after the completion of ~~an onsite field~~ **a** review under this section, the division shall provide the county surveyor with a written summary of the review. The summary must contain the following:

(1) A narrative and map defining the project location.

(2) A description of the proposed work.

(3) A list of conditions that:

(A) the department of natural resources would place on a permit to mitigate any unreasonable or detrimental effects that may occur as a result of the proposed work;

(B) the department of environmental management would place on a certification to comply with Section 401 of the federal Clean Water Act (33 U.S.C. 1341), if it is possible to ensure

compliance with Section 401 by placing conditions on the certification; or

(C) both departments referred to in this subdivision would place on a permit or certification.

(e) The department of natural resources may not require or recommend the following as conditions for a permit for a project for the reconstruction or maintenance of a regulated drain:

(1) Deed restrictions in connection with the proposed work.

(2) Conservation easements in connection with the proposed work.

(3) Tree planting or tree retention within the easement of the regulated drain, if:

(A) the project involves construction on only one (1) side of the drain;

(B) vegetation on the opposite overbank will not be disturbed; and

(C) the board agrees to establish a suitably sized vegetated filter strip consisting of grasses and legumes along the side of the drain on which the construction will occur.

(f) For the purposes of subsection (e)(3), a project involves construction on only one (1) side of a regulated drain if the work is limited to the entire area:

(1) below the top of the banks; and

(2) within the drainage easement on one (1) side;

of the stream or open drain.

(g) A county surveyor or board that is aggrieved by the permit conditions disclosed under subsection (d)(3) has the right to enter into further negotiations with the department of natural resources and the department of environmental management in order to obtain a mutually agreeable set of permit conditions.

(h) If the permit conditions disclosed under subsection (d)(3) concerning a project for the reconstruction or maintenance of a regulated drain are acceptable to the county surveyor and board, the conditions:

(1) are binding upon the department of natural resources; and

(2) may not be changed by the department of natural resources.

However, subdivisions (1) and (2) cease to apply to the permit

conditions disclosed under subsection (d)(3) concerning a project if an application for a permit for the project is not submitted within two (2) years after the ~~onsite field~~ review.

P.L.7-2014
[S.352. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning the military and veterans.

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

SECTION 1. IC 10-17-12-8, AS AMENDED BY P.L.169-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The military family relief fund is established to provide assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, and other essential family support expenses that have become difficult to afford for qualified service members or dependents of qualified service members. The fund may also be used to provide for grants for reimbursement for training and for computer equipment and software for county and city veterans' service officers.

(b) Except as provided in section 9 of this chapter, the commission shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

(c) The commission shall give priority to applications for grants for assistance from the fund to qualified service members or dependents of qualified service members who have never received a grant under this chapter.

(d) Subject to the approval of the budget agency, the commission shall establish the maximum total dollar amount of grants that may be expended in a state fiscal year. Once the maximum total dollar amount of grants that may be expended in

a state fiscal year is reached, no additional grants may be authorized until the start of the following state fiscal year.

(e) The director shall each year provide a report to the budget committee concerning the grant program under this chapter.

~~(c)~~ **(f)** A qualified service member or the qualified service member's dependent may be eligible to receive assistance from the fund. ~~for up to three (3) years after the earlier of the following:~~

~~(1) The date the qualified service member's active duty service ends.~~

~~(2) The date, as established by presidential proclamation or by law, of the cessation of the national conflict or war with respect to which the qualified service member is eligible to receive assistance under section 7.5(3)(B) of this chapter.~~

~~(d)~~ **(g)** The commission shall administer the fund.

SECTION 2. IC 10-17-13-10, AS AMENDED BY P.L.113-2010, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) The commission shall manage and develop the fund and the assets of the fund.

(b) The commission shall do the following:

(1) Carry out the duties of the commission set forth in IC 10-17-1.

(2) Establish written guidelines that specify the criteria for determining priority of applications for the purpose of providing financial assistance to qualified service members or dependents of qualified service members as described under IC 10-17-12-8(c).

(3) Establish a policy to determine annually the maximum total dollar amount that may be expended for each state fiscal year from the military family relief fund established by IC 10-17-12-8.

~~(2)~~ **(4)** Establish a policy for the investment of the assets of the fund. In establishing a policy under this subdivision, the commission shall:

(A) establish adequate long term financial goals for the fund; and

(B) provide adequate funding for the military family relief fund established by IC 10-17-12-8. ~~during a time of war or national conflict.~~

~~(3)~~ **(5)** Acquire money for the fund through the solicitation of

private or public donations and other revenue producing activities.

~~(4)~~ **(6)** Perform other tasks consistent with prudent management and development of the fund.

P.L.8-2014
[S.393. Approved March 13, 2014.]

AN ACT concerning the general assembly.

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

SECTION 1. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

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

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

(2) An interim study committee.

(c) The legislative council is urged to assign to a study committee during the 2014 legislative interim, the topic of the statutory changes contained in SB 393-2014 (as introduced) concerning the regulation of collateral recovery agencies that engage in the business of locating, recovering, or repossessing collateral that is subject to a:

(1) security agreement;

(2) lease; or

(3) rental agreement;

on behalf of the legal owner of the collateral.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation

concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(e) This SECTION expires December 31, 2014.

P.L.9-2014
[H.1013. Approved March 13, 2014.]

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

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

SECTION 1. IC 25-38.1-4-5.5, AS ADDED BY P.L.58-2008, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. (a) Each person who provides veterinary medical services shall maintain medical records, as defined by rules adopted by the board.

(b) Veterinary medical records include the following:

(1) Written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports.

(2) Other information received as the result of consultation.

(3) Identification of any designated agent of the owner for the purpose of authorizing veterinary medical or animal health care decisions.

(4) Any authorizations, releases, waivers, or other related documents.

(c) The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. The veterinarian may require that the request be in writing.

(d) Except as provided in ~~subsection~~ **subsections** (e) **and (f)** or upon written authorization of the client, an animal's veterinary medical

record and medical condition is confidential and may not be:

(1) furnished to; or

(2) discussed with;

any person other than the client or other veterinarians involved in the care or treatment of the animal.

(e) An animal's veterinary medical records and medical condition ~~may~~ **must** be furnished **within five (5) business days** without written client authorization under the following circumstances:

(1) Access to the records is specifically required by a state or federal statute.

(2) An order by a court with jurisdiction in a civil or criminal action upon the court's issuance of a subpoena and notice to the client or the client's legal representative.

~~(3) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the animal and the client.~~

~~(4)~~ **(3)** As part of an inspection or investigation conducted by the board or an agent of the board.

~~(5)~~ **(4)** As part of a request from a regulatory or health authority, physician, or veterinarian:

(A) to verify a rabies vaccination of an animal; or

(B) to investigate a threat to human or animal health, or for the protection of animal or public health and welfare.

~~(6)~~ **(5)** As a part of an animal cruelty report and associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency.

~~(7)~~ **(6)** To a law enforcement agency as part of a criminal investigation.

(f) An animal's veterinary medical records and medical condition may be furnished without written client authorization under the following circumstances:

~~(8)~~ **(1)** To the School of Veterinary Medicine at Purdue University, the animal disease diagnostic laboratory, or a state agency or commission. However, an animal's veterinary medical records remain confidential unless the information is disclosed in a manner allowed under this section.

~~(9)~~ **(2)** Veterinary medical records that are released by the board of animal health when in the judgment of the state veterinarian

the disclosure is necessary or helpful in advancing animal health or protecting public health.

(3) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the animal and the client.

~~(f)~~ **(g)** An animal's veterinary medical records must be kept and maintained by the veterinarian for at least three (3) years after the veterinarian's last encounter with the animal.

P.L.10-2014
[H.1059. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-13-2-150.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 150.7. "Registration", for purposes of IC 9-25-8, with respect to a vehicle, includes the license plate that is issued by the bureau in connection with the registration of the vehicle.**

SECTION 2. IC 9-25-5-7, AS AMENDED BY P.L.59-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. Whenever a person required to give proof of financial responsibility under this article is not the owner of a motor vehicle, **the following apply:**

(1) If the person seeks only to reinstate the person's suspended driver's license or driving privileges, the person is not required to give proof of financial responsibility.

(2) If subdivision (1) does not apply, an operator's policy of liability insurance is sufficient proof of financial responsibility.

SECTION 3. IC 9-25-8-2, AS AMENDED BY P.L.59-2013,

SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) A person who knowingly:

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana without financial responsibility in effect as set forth in IC 9-25-4-4 commits a Class A infraction. However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company under IC 9-25-6-3(f)(1); and

(2) an employer under IC 9-25-6-3(f)(2).

(c) In addition to any other penalty imposed on a person for violating this section, the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges **and vehicle registration** for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges **and vehicle registration, as applicable,** for the period recommended by the court. If no suspension is recommended by the court, or if the court recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this article.

SECTION 4. IC 9-25-8-6, AS ADDED BY P.L.59-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) This section applies to a person:

(1) who is convicted of;

(2) against whom a judgment is entered for;

(3) against whom the bureau has taken administrative action for; or

(4) who the bureau otherwise determines was;

operating a motor vehicle without financial responsibility in violation of this article.

(b) A person described in subsection (a) must provide proof of

future financial responsibility:

(1) for a first or second offense, for a period of three (3) years; **or**

(2) for a third or subsequent offense, for a period of five (5) years;

beginning on the date on which the suspension of the person's driving privileges terminates.

SECTION 5. IC 9-29-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) **Before January 1, 2015,** the fee for the reinstatement of a driving license that was suspended under IC 9-25 is as follows:

(1) For a first suspension, one hundred fifty dollars ($150).

(2) For a second suspension, two hundred twenty-five dollars ($225).

(3) For a third or subsequent suspension, three hundred dollars ($300).

(b) Beginning January 1, 2015, the fee for the reinstatement of a driving license that was suspended under IC 9-25 is as follows:

(1) For a first suspension, two hundred fifty dollars ($250).

(2) For a second suspension, five hundred dollars ($500).

(3) For a third or subsequent suspension, one thousand dollars ($1,000).

~~(b)~~ **(c)** The following amount of each fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7:

(1) Of the fee paid for reinstatement after a first suspension, one hundred twenty dollars ($120).

(2) Of the fee paid for reinstatement after a second suspension, one hundred ninety-five dollars ($195).

(3) Of the fee paid for reinstatement after a third or subsequent suspension, two hundred seventy dollars ($270).

The remaining amount of each fee paid under this section must be deposited in the motor vehicle highway account.

~~(c)~~ **(d)** If:

(1) a person's driving license is suspended for registering or operating a vehicle in violation of IC 9-25-4-1;

(2) the person is required to pay a fee for the reinstatement of the person's license under this section; and

(3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;

the fee paid by the person under this section shall be refunded.

(e) Notwithstanding subsection (a), during the period beginning on July 1, 2014, and ending on December 31, 2014, the bureau of motor vehicles may negotiate, with an individual whose driver's license or driving privileges were suspended before July 1, 2014, a reinstatement fee that is lower than the reinstatement fee specified in subsection (a). This subsection expires January 1, 2015.

P.L.11-2014
[H.1076. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 32-24-1-5.8, AS ADDED BY P.L.163-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.8. (a) This section applies only to:

(1) the Indiana department of transportation when the department seeks to acquire a parcel of land or a property right for the construction, reconstruction, improvement, maintenance, or repair of a:

(A) state highway; or

(B) toll road project or toll bridge; and

(2) any other person that may exercise the power of eminent domain when the person seeks to acquire a parcel of land or a property right for the construction, reconstruction, improvement, maintenance, or repair of a feeder road for an Indiana department of transportation project described in subdivision (1) if the construction, reconstruction, improvement, maintenance, or repair of the feeder road begins not later than five (5) years from the

conclusion of the project.

(b) If:

(1) the Indiana department of transportation or other person described in subsection (a)(2) submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer;

the department or other person shall file a complaint under this article to acquire the parcel by the exercise of eminent domain not more than ~~six (6)~~ **three (3)** years after the date the department or other person submitted the written acquisition offer to the owner.

(c) If the Indiana department of transportation or other person fails to meet the requirements described in subsection (b) concerning a parcel of real estate, the department or other person may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same or a substantially similar project for at least three (3) years after the date the ~~six (6)~~ **three (3)** year period described in subsection (b) expires.

(d) A court shall expedite the hearing of an action initiated under subsection (b). A party to the action is entitled to an expedited appeal of the court's final determination, under rules to be adopted by the supreme court.

P.L.12-2014
[H.1095. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 33-33-29-6, AS AMENDED BY P.L.83-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The **judge of the Hamilton circuit court and the** judges of the Hamilton superior ~~court~~ **courts** may jointly appoint three (3) full-time magistrates under IC 33-23-5 to serve the **circuit and** superior ~~court.~~ **courts.**

(b) A magistrate continues in office until **jointly** removed by **the judge of the Hamilton circuit court and** the judges of the Hamilton superior ~~court.~~ **courts.**

P.L.13-2014
[H.1096. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-31, AS AMENDED BY P.L.221-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. "Marking device" means:

(1) a pencil for marking a paper ballot or ballot card; or

(2) an approved touch-sensitive device that automatically:

(A) registers a vote on an electronic voting system; **or**

(B) produces a marked optical scan ballot.

SECTION 2. IC 3-5-2-33.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33.9. (a) "Optical scan ballot" means a card or another paper on which votes are:

(1) recorded by marking the card ~~or paper in ink or pencil;~~ **with a marking device;** and

(2) tabulated by an optical system that reads the marks on the card or paper.

(b) "Optical scan voting system" means a voting system using optical scan ballots.

SECTION 3. IC 3-11-10-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 ~~or 26~~ of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by ~~(1)~~ the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection ~~(c)); or~~ **(d)).**

(c) Subject to IC 3-5-4-9, before a ballot is:

(1) voted under section 26 of this chapter; or

(2) placed in a secrecy envelope if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by ~~(2)~~ the county election board or the board's designated representatives under IC 3-11-4-19. ~~if the ballot is cast at the office of the circuit court clerk under section 26 of this chapter.~~

~~(c)~~ **(d)** A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an

election.

~~(d)~~ **(e)** The initials must be in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind. No other initialing of the absentee ballot is necessary.

SECTION 4. IC 3-11-13-18, AS AMENDED BY P.L.221-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) **Except as provided in subsection (d),** the county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(b) The ballot cards provided under subsection (a) must be:

(1) designed to be folded; or

(2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(c) This subsection is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system. Except as provided in subsection (d), a write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

(d) Space for write-in voting for an office is not required if:

(1) there are no declared write-in candidates for that office; **or**

(2) the marking device allows for entry of a write-in candidate that can be read by a tabulator.

However, procedures must be implemented to permit write-in voting for candidates for federal offices.

SECTION 5. IC 3-11-13-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) This section does not apply to a ballot card voted by absentee ballot.

(b) The two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

(1) at the time the card is issued to a voter; **or**

(2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing

and without a distinguishing mark of any kind.

(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless it is initialed by both poll clerks.

SECTION 6. IC 3-11-13-28.5, AS AMENDED BY P.L.164-2006, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) **This subsection does not apply in a precinct where a marking device for an optical scan ballot is being used.** As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

(c) This subsection applies to an optical scan ballot card ballot tabulated at a central location. As provided by 42 U.S.C. 15481, when a voter receives an optical scan ballot card ballot, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 7. **An emergency is declared for this act.**

P.L.14-2014
[H.1178. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-8.5-3, AS ADDED BY P.L.106-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter, "judge" means an individual who is employed or was formerly employed as a judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, **federal court,** or small claims court.

P.L.15-2014
[H.1215. Approved March 13, 2014.]

AN ACT concerning taxation.

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

SECTION 1. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "commission" refers to the commission on state tax and financing policy established by IC 2-5-3-2.**

(b) The commission shall compare the effectiveness of tax credits to the effectiveness of grant programs in encouraging the preservation and commercial redevelopment of historic properties.

(c) The commission shall submit its findings and

recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2014.

(d) This SECTION expires January 1, 2015.

P.L.16-2014
[H.1286. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 2-5-28.5-4, AS ADDED BY P.L.206-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Beginning in calendar year 2011 through calendar year 2015, the committee shall do the following:

(1) Assess the condition of Indiana's transportation infrastructure in both the public and private sectors.

(2) In connection with the Indiana department of transportation and other interested parties, project Indiana's transportation demands through 2035.

(3) Determine whether Indiana's existing transportation infrastructure is capable of meeting the transportation demands projected under subdivision (2).

(4) Establish appropriate roles and responsibilities for:

(A) the state and county and municipal governments; and

(B) the private sector;

in meeting Indiana's projected transportation demands.

(5) Identify potential funding sources for both public and private transportation and infrastructure projects.

(6) Report its findings to the governor and, in an electronic format under IC 5-14-6, the general assembly.

(b) Beginning in calendar year 2014, the committee shall receive annual reports and related testimony from the following:

(1) The Indiana finance authority under IC 4-4-11-46.

(2) The Indiana department of transportation under IC 8-23-2-5.

(3) The bureau of motor vehicles under IC 9-14-2-1.

(4) Purdue University under IC 8-23-9-56 and IC 9-20-16-1.

SECTION 2. IC 4-4-11-46 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 46. Not later than August 1 of each year, the public finance director shall prepare for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes the following:**

(1) Updates on transportation projects in which the authority is involved, including public-private agreements under IC 8-15.5 or public-private partnerships under IC 8-15.7.

(2) Any other information requested by the joint study committee.

SECTION 3. IC 8-23-2-5, AS AMENDED BY P.L.5-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department, through the commissioner or the commissioner's designee, shall:

(1) develop, continuously update, and implement:

(A) long range comprehensive transportation plans;

(B) work programs; and

(C) budgets;

to assure the orderly development and maintenance of an efficient statewide system of transportation;

(2) implement the policies, plans, and work programs adopted by the department;

(3) organize by creating, merging, or abolishing divisions;

(4) evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques;

(5) carry out public transportation responsibilities, including:

(A) developing and recommending public transportation policies, plans, and work programs;

(B) providing technical assistance and guidance in the area of public transportation to political subdivisions with public transportation responsibilities;

(C) developing work programs for the utilization of federal mass transportation funds;

(D) furnishing data from surveys, plans, specifications, and estimates required to qualify a state agency or political subdivision for federal mass transportation funds;

(E) conducting or participating in any public hearings to qualify urbanized areas for an allocation of federal mass transportation funding;

(F) serving, upon designation of the governor, as the state agency to receive and disburse any state or federal mass transportation funds that are not directly allocated to an urbanized area;

(G) entering into agreements with other states, regional agencies created in other states, and municipalities in other states for the purpose of improving public transportation service to the citizens; and

(H) developing and including in its own proposed transportation plan a specialized transportation services plan for the elderly and persons with disabilities;

(6) provide technical assistance to units of local government with road and street responsibilities;

(7) develop, undertake, and administer the program of research and extension required under IC 8-17-7;

(8) allow public testimony in accordance with section 17 of this chapter whenever the department holds a public hearing (as defined in section 17 of this chapter); and

(9) adopt rules under IC 4-22-2 to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors.

(b) Rules adopted under subsection (a)(9):

(1) shall not unreasonably affect the cost, or impair the safety or reliability, of a utility service; and

(2) must require a utility to provide information concerning all authorized representatives of the utility for purposes of highway improvement projects and improvement projects undertaken by

local units of government.

(c) A civil action may be prosecuted by or against the department, a department highway construction contractor, or a utility to recover costs and expenses directly resulting from willful violation of the rules. Nothing in this section or in subsection (a)(9) shall be construed as granting authority to the department to adopt rules establishing fines, assessments, or other penalties for or against utilities or the department's highway construction contractors.

(d) Based on information provided by utilities under rules described in subsection (b)(2), the department shall establish and publish on the department's Internet web site a searchable data base of authorized representatives of utilities for purposes of improvement projects that involve the relocation of utility facilities. A utility that provides information described in subsection (b)(2) shall:

(1) update the information provided to the department on an annual basis; and

(2) notify the department of any change in the information not more than thirty (30) days after the change occurs.

(e) Not later than August 1 of each year, the department, through the commissioner or the commissioner's designee, shall prepare for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:

(1) Transportation and infrastructure funding.

(2) Public-private agreements under IC 8-15.5.

(3) Public-private partnerships under IC 8-15.7.

(4) Reports and supplements prepared under IC 8-23-12.

(5) Programs and projects conducted in cooperation with Purdue University under IC 8-23-9-56.

(6) Any other information requested by the joint study committee.

SECTION 4. IC 8-23-9-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 56. (a) The department may cooperate with and assist Purdue University in developing the best methods of improving and maintaining the highways of the state and the respective counties. In so cooperating with Purdue University and for the purpose of developing and

disseminating helpful information concerning road construction and improvement and the operation of the highways of the state and the counties, the department may expend money annually from the funds appropriated to the department's use for the use and benefit of Purdue University in carrying on programs of highway research and highway extension at or in connection with Purdue University and for the annual road school held at Purdue University. In addition, the money may be increased by federal funds, which may be made available to the department for the engineering and economic investigation of projects for future construction and for highway research necessary in connection therewith.

(b) For the purpose of disseminating knowledge of the highway maintenance methods that are best suited to the various sections of Indiana, the county and state highway officials, in cooperation with Purdue University, may hold joint road meetings in the various sections of Indiana.

(c) The aid authorized by this section shall be paid quarterly by the department to Purdue University upon proper voucher.

(d) Not later than August 1 of each year, a representative of Purdue University shall prepare, in cooperation with the department under IC 8-23-2-5(e)(5), for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:

(1) Programs or projects conducted under this section.

(2) Any other information requested by the joint study committee.

SECTION 5. IC 9-14-2-1, AS AMENDED BY P.L.210-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce:

(A) this title and other statutes concerning the bureau; and

(B) the policies and procedures of the bureau.

(2) Organize the bureau in the manner necessary to carry out the duties of the bureau.

(3) Submit budget proposals for the bureau to the budget director before September 1 of each year.

(4) Perform other duties as required by the bureau.

(5) Not later than August 1 of each year, prepare for presentation to the joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:

(A) Significant policy changes, including changes in implementation.

(B) Contracts with third parties for performance of department responsibilities and functions.

(C) Projects or other undertakings required by law.

(D) Any other information requested by the joint study committee.

SECTION 6. IC 9-20-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Before ~~January 2~~ **August 1** of each ~~odd-numbered~~ year, the Civil Engineering School at Purdue University shall report in an electronic format under IC 5-14-6 to the ~~general assembly~~ **joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2** the results of a continuing study of the condition of Indiana's roads and streets as the condition may be affected by trucks and tractor-semitrailer combinations.

SECTION 7. **An emergency is declared for this act.**

P.L.17-2014
[H.1350. Approved March 13, 2014.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-15-1-40, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. A person may not distribute agricultural or vegetable seed within Indiana if any of the following apply:

(1) If the test to determine the percentage of germination (as defined by rule adopted under section 28 of this chapter) required by sections 32 and 33 of this chapter has not been completed within a ~~nine (9)~~ **twelve (12)** month period, not including the calendar month in which the test was completed immediately before distribution. However, the state seed commissioner may by rule designate:

(A) a shorter period for a kind of agricultural or vegetable seed that the state seed commissioner finds under ordinary conditions of handling will not maintain, during a ~~nine (9)~~ **twelve (12)** month period, a germination within the established tolerance limits; or

(B) a longer period for a kind of agricultural or vegetable seed that is packaged in such container materials and under such conditions prescribed by the state seed commissioner that the state seed commissioner finds will, during the longer period, maintain the viability of the seed under ordinary conditions of handling.

(2) If the seed is not labeled in accordance with this chapter.

(3) If the seed carries labeling that is false or misleading in any particular.

(4) If the seed contains or consists of prohibited noxious weed seed.

(5) If the seed consists of or contains restricted noxious weed seed in excess of one-fourth of one percent (0.25%). If less than one-fourth of one percent (0.25%) of weed seed by weight is present, the number per pound must be declared on the labeling.

(6) If the seed contains more than two and one-half percent (2.5%) of all weed seed.

(7) If the seed is represented to be "certified seed", "registered seed", or "foundation seed", the seed has not been produced and labeled in accordance with the procedures and in compliance with rules of an official or officially recognized seed certification or registration agency.

(8) If the inoculant applied to pre-inoculated seed is ineffective as determined by standards established by rule.

P.L.18-2014
[S.56. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 34-18-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Claims for payment from the patient's compensation fund **must be computed and paid as follows:**

(1) Claims for payment from the patient's compensation fund that become final during the first three (3) months of the calendar year must be:

(A) computed on March 31; and

(B) paid not later than April 15;

of that calendar year.

(2) Claims for payment from the patient's compensation fund that become final during the ~~first six (6)~~ **second three (3)** months of the calendar year must be:

(A) computed on June 30; and ~~must be~~

(B) paid not later than ~~the following~~ July 15;

of that calendar year.

(3) Claims for payment from the **patient's compensation** fund that become final during the ~~last six (6)~~ **third three (3)** months of the calendar year must be:

(A) computed on **September 30; and**

(B) paid not later than October 15;

of that calendar year.

(4) Claims for payment from the patient's compensation fund that become final during the last three (3) months of the calendar year must be:

(A) computed on December 31 **of that calendar year;** and ~~must be~~

(B) paid not later than ~~the following~~ January 15 **of the following calendar year.**

(b) If the balance in the fund is insufficient to pay in full all claims that have become final during a ~~six (6)~~ **three (3)** month period, the amount paid to each claimant must be prorated. Any amount left unpaid as a result of the proration must be paid before the payment of claims that become final during the following ~~six (6)~~ **three (3)** month period.

SECTION 2. IC 34-18-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The auditor of state shall issue a warrant in the amount of each claim submitted to the auditor against the fund on **March 31,** June 30, **September 30,** and December 31 of each year. The only claim against the fund shall be a voucher or other appropriate request by the commissioner after the commissioner receives:

(1) a certified copy of a final judgment against a health care provider; or

(2) a certified copy of a court approved settlement against a health care provider.

P.L.19-2014

[S.60. Approved March 14, 2014.]

AN ACT concerning courts and court officers.

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

SECTION 1. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "commission" refers to the commission on courts established by IC 33-23-10-1.**

(b) The general assembly urges the legislative council to assign to the commission or another appropriate study committee the task of studying judicial mandates, with particular emphasis on court

representation and the payment of attorneys fees.

(c) If the commission or another appropriate committee is assigned the topic described in subsection (b), the commission or committee shall issue to the legislative council a final report containing the commission's or committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6, not later than November 1, 2014.

(d) This SECTION expires January 1, 2015.

P.L.20-2014
[S.61. Approved March 14, 2014.]

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

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

SECTION 1. IC 5-10-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 17. Emergency Medical Services Provider Disability Benefits

Sec. 1. This chapter applies to an emergency medical services provider who is:

(1) employed by a municipal corporation; and

(2) not eligible for a disability benefit under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, or IC 36-8-8.

Sec. 2. As used in this chapter, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

Sec. 3. As used in this chapter, "fiscal body" has the meaning set forth in IC 36-1-2-6.

Sec. 4. As used in this chapter, "municipal corporation" has the

meaning set forth in IC 5-10-9-1.

Sec. 5. (a) A municipal corporation may provide programs of disability insurance to its emergency medical services providers who become disabled as the result of an injury or illness:

(1) that is not covered by:

(A) worker's compensation (IC 22-3-2 through IC 22-3-6); or

(B) worker's occupational diseases compensation (IC 22-3-7); or

(2) for which coverage under worker's compensation or worker's occupational diseases compensation has been exhausted.

(b) A program established under subsection (a) may not have an elimination or waiting period of greater than the following before a benefit begins:

(1) Thirty (30) days, for a short term disability program.

(2) One hundred twenty (120) days, for a long term disability program.

(c) A municipal corporation may provide the programs of disability insurance described in subsection (a) through either of the following:

(1) By purchasing policies of group insurance.

(2) By establishing self-insurance programs.

(d) A municipal corporation may exclude from coverage under a program of disability insurance an emergency medical services provider who:

(1) is a part-time employee (as defined by the municipal corporation); or

(2) provides services to the municipal corporation under a contract.

(e) The establishment of a self-insurance program under this section is subject to the approval of the municipal corporation's fiscal body.

P.L.21-2014
[S.101. Approved March 14, 2014.]

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

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

SECTION 1. IC 35-31.5-2-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 24.5. "Authorized person", for purposes of IC 35-43-2-2, has the meaning set forth in IC 35-43-2-2(a).**

SECTION 2. IC 35-43-1-2, AS AMENDED BY P.L.158-2013, SECTION 453, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least ~~two hundred fifty dollars ($250)~~ **seven hundred fifty dollars ($750)** but less than ~~two thousand five hundred dollars ($2,500);~~ **fifty thousand dollars ($50,000);** and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least ~~two thousand five hundred dollars ($2,500);~~ **fifty thousand dollars ($50,000);**

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1);

~~(3)~~ **(4)** the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in ~~subdivision~~ **subdivisions** (1) ~~or (2);~~ **through (3);** or

~~(4)~~ **(5)** personal property contained in a structure or located at a facility identified in ~~subdivision~~ **subdivisions** (1) ~~or (2);~~ **through (3);**

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss **(or property damage, in the case of an agricultural operation)** is at least ~~two hundred fifty dollars ($250)~~ **seven hundred fifty dollars ($750)** but less than ~~two thousand five hundred dollars ($2,500),~~ **fifty thousand dollars ($50,000),** and a Level 5 felony if the pecuniary loss **(or property damage, in the case of an agricultural operation)** is at least ~~two thousand five hundred dollars ($2,500).~~ **fifty thousand dollars ($50,000).**

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

SECTION 3. IC 35-43-2-2, AS AMENDED BY P.L.203-2013, SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION 462, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.**

~~(a)~~ **(b)** A person who:

(1) not having a contractual interest in the property, knowingly or

intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

(2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;

(3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;

(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the:

(A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or

(B) dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is ~~*(A)*~~ vacant or designated by a municipality or county enforcement authority to be abandoned property ~~*and (B) subject to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36*~~ *or an abandoned structure (as defined in IC 36-7-36-1);* ~~or~~

(8) not having a contractual interest in the property, knowingly or intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the agricultural operation;

(B) the operator of the agricultural operation; or

(C) a person having personal property located on the property of the agricultural operation; or

~~(8)~~ **(9)** knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property ~~*(A)*~~ has been designated by a municipality or county enforcement authority to be a vacant property, ~~*or*~~ an abandoned property, ~~*and (B) is subject to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36*~~ *or an abandoned structure (as defined in IC 36-7-36-1);*

commits criminal trespass, a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. **The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars ($750) and less than fifty thousand dollars ($50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars ($50,000).**

~~(b)~~ **(c)** A person has been denied entry under ~~*subdivision*~~ *subsection* ~~(a)(1)~~ ~~*of this section*~~ **(b)(1)** when the person has been denied entry by means of:

(1) personal communication, oral or written;

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention

of the public; or

(3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

~~(c)~~ **(d)** A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection ~~(a)(7)~~ **(b)(7)** unless there is reasonable suspicion that criminal activity has occurred or is occurring.

~~(d)~~ **(e)** A person described in subsection ~~(a)(7)~~ **(b)(7)** violates subsection ~~(a)(7)~~ **(b)(7)** unless the person has the written permission of the owner, owner's agent, enforcement authority, or court to come onto the property for purposes of performing maintenance, repair, or demolition.

~~(e)~~ **(f)** A person described in subsection ~~(a)(8)~~ **(b)(9)** violates subsection ~~(a)(8)~~ **(b)(9)** unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

~~(f)~~ **(g)** Subsections ~~(a),~~ (b), **(c),** and ~~(c)~~ **(f)** do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

P.L.22-2014

[S.117. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 5-10.2-4-2, AS AMENDED BY P.L.35-2012, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Unless a member elects otherwise under this section or has elected to withdraw the member's annuity savings account under IC 5-10.2-3-6.5, the retirement benefit for each member consists of the sum of a pension provided by employer contributions plus an annuity provided by the amount credited to the member in the annuity savings account. If a member has elected to withdraw the member's annuity savings account under IC 5-10.2-3-6.5, the member's retirement benefit is equal to the pension provided by employer contributions, unless the member has transferred the creditable service earned under the public employees' retirement fund to another governmental retirement plan under IC 5-10.2-3-1(i). Regardless of a

member's election under this section, contributions ~~totaling not more than one thousand dollars ($1,000)~~ that are posted to a member's annuity savings account after the final date on which the member's retirement benefit is processed may be distributed to the member as ~~a lump sum payment~~ **determined by the rules of the board. If the distribution exceeds one thousand dollars ($1,000), the board shall obtain the member's consent as to the form of the distribution.**

(b) If a member has not elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5, a member may choose at retirement or upon a disability retirement to receive a distribution of:

(1) the entire amount credited to the member in the annuity savings account; or

(2) an amount equal to the member's federal income tax basis in the member's annuity savings account balance as it existed on December 31, 1986.

If the member chooses to receive the distribution under subdivision (1), the member is not entitled to an annuity as part of the retirement or disability benefit. If the member chooses to receive the distribution under subdivision (2), the member is entitled to an annuity purchasable by the amount remaining in the member's annuity savings account after the payment under subdivision (2).

(c) Instead of choosing to receive the benefits described in subsection (a) or (b), if a member has not elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5, a member may choose upon retirement or upon disability retirement to begin receiving a pension provided by employer contributions and to defer receiving in any form the member's annuity savings account. If a member chooses this option, the member:

(1) is not entitled to an annuity as part of the member's retirement or disability benefit, and the member's annuity savings account will continue to be invested according to the member's direction under IC 5-10.2-2-3; and

(2) may later choose, as of the first day of a month, or an alternate date established by the rules of the board, to receive a distribution of:

(A) the entire amount credited to the member in the annuity savings account; or

(B) an amount equal to the member's federal income tax basis in the member's annuity savings account balance as it existed on December 31, 1986.

If the member chooses to receive the distribution under subdivision (2)(A), the member is not entitled to an annuity as part of the member's retirement or disability benefit. If the member chooses to receive the distribution under subdivision (2)(B), the member is entitled to an annuity purchasable by the amount remaining in the member's annuity savings account after the payment under subdivision (2)(B). If the member does not choose to receive a distribution under this subsection, the member is entitled to an annuity purchasable by the entire amount in the member's annuity savings account, and the form of the annuity shall be as described in subsection (d) unless the member elects an option described in section 7(b)(1), 7(b)(2), or 7(b)(4) of this chapter. The amount to be paid under this section shall be determined in the manner described in IC 5-10.2-2-3. However, the board may by rule provide for an alternate valuation date.

(d) Retirement benefits must be distributed in a manner that complies with Section 401(a)(9) of the Internal Revenue Code, as specified in IC 5-10.2-2-1.5.

P.L.23-2014
[S.160. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 31-31-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) Except as provided in subsection (b), after June 30, 2014,** the judge of the juvenile court may appoint ~~one (1) or more~~ **a** full-time ~~magistrates~~

magistrate under IC 33-23-5 **only if authorized by state law.**

(b) If the judge of the juvenile court appointed one (1) or more full-time magistrates under this section before July 1, 2014, the judge may continue to appoint or reappoint a full-time magistrate to each of those positions after June 30, 2014.

SECTION 2. IC 33-23-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The commission on courts shall do the following:

(1) Review and report on **the following:**

(A) All requests for new courts or changes in jurisdiction of existing courts. **A new court with one (1) or more new judges may not be established and one (1) or more new judges may not be added to an existing court unless the establishment of the new court and the addition of the new judges to an existing court are authorized by state law.**

(B) All requests for the authority to appoint a magistrate for a juvenile court. A magistrate may not be appointed for a juvenile court unless the appointment of the magistrate is authorized by state law.

A request for review under this subdivision must be received by the commission not later than July 1 of each year. A request received after July 1 may not be considered unless a majority of the commission members agrees to consider the request.

(2) Conduct research concerning requests for new courts or changes in jurisdiction of existing courts. The research may include conducting surveys sampling members of the bar, members of the judiciary, and local officials to determine needs and problems.

(3) Conduct public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts. The commission shall hold at least one (1) public hearing on each request presented to the commission.

(4) Review and report on any other matters relating to court administration that the commission determines appropriate, including the following:

(A) Court fees.

(B) Court personnel, except constables that have jurisdiction in a county that contains a consolidated city.

(C) Salaries of court officers and personnel, except constables that have jurisdiction in a county that contains a consolidated city.

(D) Jury selection.

(E) Any other issues relating to the operation of the courts.

(5) Submit a report in an electronic format under IC 5-14-6 before November 1 of each year to the general assembly. The report must include the following:

(A) A recommendation on all requests considered by the commission during the preceding year for the creation of new courts or changes in the jurisdiction of existing courts.

(B) If the commission recommends the creation of new courts or changes in jurisdiction of existing courts, the following:

(i) A draft of legislation implementing the changes.

(ii) A fiscal analysis of the cost to the state and local governments of implementing recommended changes.

(iii) Summaries of any research supporting the recommended changes.

(iv) Summaries of public hearings held concerning the recommended changes.

(C) A recommendation on any issues considered by the commission under subdivision (4).

P.L.24-2014
[S.171. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 11-12-2-4, AS AMENDED BY P.L.105-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A county or group of counties seeking financial aid under this chapter must apply to the commissioner in a manner and form prescribed by the commissioner. The application must include a community corrections plan that has been approved by the community corrections board and the county executive or, in a county having a consolidated city, by the city-county council. No county may receive financial aid until its application is approved by the commissioner.

(b) A community corrections plan must comply with rules adopted under section 5 of this chapter and must include:

(1) a description of each program for which financial aid is sought;

(2) the purpose, objective, administrative structure, staffing, and duration of the program;

(3) a method to evaluate each component of the program to determine the overall use of department approved best practices for the program;

(4) the program's total operating budget, including all other sources of anticipated income;

(5) the amount of community involvement and client participation in the program;

(6) the location and description of facilities that will be used in the program; ~~and~~

(7) the manner in which counties that jointly apply for financial

aid under this chapter will operate a coordinated community corrections program; **and**

(8) a plan of collaboration between the probation department and the community corrections program for the provision of community supervision for adult offenders. The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by July 1, 2017, and must include:

(A) a description of the evidence based services provided to felony offenders by the community corrections program and the probation department;

(B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community supervision;

(C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;

(D) the eligibility criteria established for community based services provided to adult felony offenders;

(E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;

(F) a description of how financial aid from the department, program fees, and probation user fees will be used to provide services to adult felony offenders; and

(G) documentary evidence of compliance with department rules for community corrections programs and judicial conference of Indiana standards for probation departments.

(c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated city, by the city-county council, and submitted to the commissioner.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.

(f) The commissioner may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

SECTION 2. IC 11-13-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The judicial conference of Indiana shall:

(1) keep informed of the work of all probation departments;

(2) compile and publish statistical and other information that may be of value to the probation service;

(3) inform courts and probation departments of legislation concerning probation and of other developments in probation; ~~and~~

(4) submit to the general assembly before January 15 of each year a report in an electronic format under IC 5-14-6 compiling the statistics provided to the judicial conference by probation departments under section 4(b) of this chapter; **and**

(5) require probation departments to submit a community supervision collaboration plan as described in IC 11-12-2-4.

(b) The conference may:

(1) visit and inspect any probation department and confer with probation officers and judges administering probation; and

(2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

P.L.25-2014
[S.186. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-11-2-6, AS ADDED BY P.L.120-2008, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) The general assembly declares that it is the policy of the state to conserve, protect, and encourage the development and improvement of agriculture, agricultural businesses, and agricultural land for the production of food, fuel, fiber, and other agricultural products. The Indiana Code shall be construed to protect the rights of farmers to choose among all generally accepted farming and livestock production practices, including the use of ever changing technology.**

(b) The department shall promote the growth of agricultural businesses by doing the following:

(1) Assisting agricultural businesses with the permit process required to conduct business in Indiana.

(2) Serving as a liaison between agricultural businesses, state agencies, and local units of government.

P.L.26-2014
[S.282. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-51-4-4, AS AMENDED BY P.L.205-2013, SECTION 311, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The amount an eligible choice scholarship student is entitled to receive under this chapter for a school year is equal to the following:

(1) The least of the following:

(A) The sum of the tuition, transfer tuition, and fees required for enrollment or attendance of the eligible choice scholarship student at the eligible school selected by the eligible choice scholarship student for a school year that the eligible choice scholarship student (or the parent of the eligible choice scholarship student) would otherwise be obligated to pay to the eligible school.

(B) An amount equal to:

(i) ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of not more than the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program; and

(ii) fifty percent (50%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of, in the case of an individual not described in section 2.5 of this chapter, not more than one hundred fifty percent (150%) of the amount required for the eligible choice scholarship student to qualify for the federal

free or reduced price lunch program or, in the case of an individual described in section 2.5 of this chapter, not more than two hundred percent (200%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program.

(C) If the eligible choice scholarship student is enrolled in grade 1 through 8, the maximum choice scholarship that the eligible choice scholarship student may receive for a school year:

(i) beginning before July 1, 2013, ~~is~~ four thousand five hundred dollars ($4,500);

(ii) beginning after June 30, 2013, and before July 1, 2014, ~~is~~ four thousand seven hundred dollars ($4,700); and

(iii) beginning after June 30, 2014, ~~is~~ four thousand eight hundred dollars ($4,800).

(2) In addition, if ~~applicable,~~ **the eligible choice scholarship student has been identified as eligible for special education services under IC 20-35 and the eligible school provides the necessary special education or related services to the eligible choice scholarship student,** any amount that a school corporation would receive under IC 20-43-7 for the **eligible choice scholarship** student if the **eligible choice scholarship** student attended the school corporation.

SECTION 2. IC 20-51-4-4.5, AS ADDED BY P.L.211-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. **(a) If an eligible choice scholarship student:**

(1) who attends school at a choice scholarship school; and

(2) who is eligible to receive special education funds under IC 20-43-7;

chooses to receive special education services at a school corporation required to provide special education services to the eligible choice scholarship student under 511 IAC 7-34-1, the special education funds under IC 20-43-7 for that student will be made available to the school corporation where the student receives special education services.

~~(a)~~ **(b)** Notwithstanding 511 IAC 7-34-1(d)(4), a public school is not required to make available special education and related services to an

eligible choice scholarship student ~~who~~ **if the eligible choice scholarship student** receives funds under section 4(2) of this chapter **and the special education services are provided to the eligible choice scholarship student by the eligible school. This subsection may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to an individual under the federal Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1400 et seq.).**

~~(b)~~ **(c)** A school corporation may not include an eligible choice scholarship student who receives an amount under section 4(2) of this chapter in the school corporation's count under IC 20-43-7.

P.L.27-2014
[S.304. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-13-1-42 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 42. The commission may adopt rules under IC 4-22-2 to carry out the purposes of this chapter.**

P.L.28-2014
[S.339. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-3-21-14, AS AMENDED BY P.L.165-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The commission shall issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds to the Indiana state fair commission.

(b) The holder of a permit under this section is:

(1) entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass;

(2) entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit;

(3) entitled to receive the permit directly from the commission without local board approval;

(4) not subject to quota restrictions under IC 7.1-3-22-3; and

(5) entitled to allow a minor to be present in the places where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

(1) File a floor plan of the premises where alcoholic beverages will be served and consumed.

(2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.

(3) Allow sales during the times prescribed under IC 7.1-3-1-14.

(4) Prohibit sales prohibited under IC 7.1-5-10-1. ~~and IC 7.1-5-10-17.~~

(5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.

SECTION 2. IC 7.1-5-10-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17. Sales at Fair Grounds Prohibited. It is unlawful to sell or dispense an alcoholic beverage on the Indiana State Fair Grounds during the period of the Indiana state fair.~~

P.L.29-2014
[S.387. Approved March 14, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-19-4-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The division shall do the following:

(1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.

(2) Assess state and local security needs.

~~(3) Disburse federal and state homeland security money for all Indiana state and local governments.~~

SECTION 2. IC 10-19-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]:

Chapter 11. Radiation and Radioactive Material Control

Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if used properly, but may impair the health of the public and the industrial and agricultural potentials of Indiana if used improperly, it is the public policy of Indiana to encourage constructive uses of radiation and to control the harmful effects of radiation.

Sec. 2. (a) The definitions set forth in this section apply

throughout this chapter.

(b) "Agency" refers to the department of homeland security established by IC 10-19-2-1.

(c) "Agreement state" means a state with which the United States Atomic Energy Commission or the Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

(d) For purposes of this chapter, exposures are "as low as is reasonably achievable" if every reasonable effort has been made to maintain exposures to ionizing radiation as far below the dose limits as is practical:

(1) consistent with the purpose for which the licensed activity is undertaken;

(2) taking into account the state of technology and the economics of improvements; and

(3) in relation to:

(A) benefits to the public health and safety;

(B) other societal and socioeconomic considerations; and

(C) utilization of nuclear energy and licensed materials in the public interest.

(e) "Atomic Energy Act of 1954" refers to the federal Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1, 2014.

(f) "Byproduct material" means any of the following:

(1) Radioactive material, except special nuclear material, yielding in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore.

(3) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity.

(4) Any material that:

(A) has been made radioactive by use of a particle accelerator; and

(B) is:

(i) produced;

(ii) extracted; or

(iii) converted after extraction;

for use for a commercial, medical, or research activity.

(5) Any discrete source of naturally occurring radioactive material, other than source material, that:

(A) is determined by the Nuclear Regulatory Commission, in consultation with the administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, to pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(B) is:

(i) extracted; or

(ii) converted after extraction;

for use in a commercial, medical, or research activity.

(g) "General license" means an export or import license that:

(1) is issued through rulemaking by the Nuclear Regulatory Commission;

(2) is effective without the filing of a specific application with the Nuclear Regulatory Commission or the issuance of licensing documents to a particular person;

(3) is not an exemption from the requirements of the Nuclear Regulatory Commission; and

(4) does not relieve a person from complying with other applicable Nuclear Regulatory Commission, federal, or state requirements.

(h) "Inspection" means an official examination or observation by the agency. The term includes tests, surveys, and monitoring to determine compliance with this chapter and the rules adopted under this chapter.

(i) "Ionizing radiation" means:

(1) alpha particles;

(2) beta particles;

(3) gamma rays;

(4) x-rays;

(5) neutrons;

(6) high-speed electrons;

(7) high-speed protons; and

(8) other particles capable of producing ions.

The term does not include nonionizing radiation such as radio waves, microwaves, and visible light, infrared light, or ultraviolet light.

(j) "License" means a license issued under the Nuclear Regulatory Commission regulations or by an agreement state as stated in 10 CFR Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

(k) "Licensed material" means:

(1) source material;

(2) special nuclear material; or

(3) byproduct material;

that is received, possessed, used, transferred, or disposed of under a general or specific license issued by the Nuclear Regulatory Commission or the agency.

(l) "Nuclear Regulatory Commission" refers to the United States Nuclear Regulatory Commission.

(m) "Person" means an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(n) "Radioactive material" means:

(1) byproduct material;

(2) source material;

(3) special nuclear material; or

(4) any solid, liquid, or gas that emits radiation spontaneously.

(o) "Registration" means registration with the agency.

(p) "Source material" means:

(1) natural uranium, depleted uranium, thorium, or any other combination of natural uranium, depleted uranium, and thorium, in any physical or chemical form other than special nuclear material; or

(2) ores that contain by weight at least five-hundredths of one percent (0.05%) of:

(A) natural uranium;

(B) depleted uranium;

(C) thorium; or

(D) any combination of natural uranium, depleted uranium, and thorium.

(q) "Special nuclear material" means:

(1) plutonium;

(2) uranium-233; or

(3) uranium enriched above seven hundred eleven thousandths of one percent (0.711%) by weight in the isotope uranium-235.

(r) "Specific license" means an export or import license document that is issued to a named person and authorizes the export or import of specified nuclear equipment or materials based upon the review and approval of an NRC Form 7 (Application for NRC Export or Import License, amendment, renewal, or consent request(s)) application.

(s) "Unnecessary radiation" means radiation used in such a manner as to be injurious or dangerous to health, life, or property.

(t) "The state" refers to the state of Indiana.

Sec. 3. (a) The agency or the agency's agent may enter at any reasonable time any private or public property for the purpose of an inspection and investigation of conditions relating to radiation control.

(b) An owner or tenant of private or public property shall, upon reasonable notice, make available to the agency for inspection records maintained in accordance with 10 CFR 20, this chapter, and the rules adopted under this chapter.

(c) An owner or tenant of private or public property shall permit the agency to:

(1) perform radiation surveys in the air using portable survey equipment; and

(2) take environmental samples for analysis;

as the agency considers appropriate and necessary for public health and safety.

Sec. 4. (a) Byproduct material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of byproduct material under subsection (d).

(b) Source material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of source materials under subsection (d).

(c) Special nuclear material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission to assume regulation of the use of special nuclear material under subsection (d).

(d) The governor, or the governor's appointee on behalf of the state, may enter into an agreement with the Nuclear Regulatory Commission to assume regulation, as authorized under the federal Atomic Energy Act of 1954, of the use of the following:

(1) Byproduct material.

(2) Source material.

(3) Special nuclear material.

(e) An agreement entered into under subsection (d) may provide for the federal government to relinquish certain of its responsibilities with respect to sources of ionizing radiation and for the state to assume those responsibilities.

(f) After the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission under subsection (d), the agency may adopt rules under IC 4-22-2 to implement the agreement, including emergency rules in the manner provided under IC 4-22-2-37.1.

Sec. 5. If a person receives, possesses, uses, transfers, owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the agency on forms prescribed by the agency.

Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

(1) is registered or licensed in Indiana under this chapter; or

(2) registers in writing with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

Sec. 7. A person transporting, handling, using, storing, or keeping ionizing radiation sources shall:

(1) transport, handle, use, store, or keep the ionizing radiation sources so as to prevent unnecessary radiation; and

(2) make every effort to keep exposures as low as is reasonably achievable.

Sec. 8. In addition to adopting rules under section 4(f) of this chapter, the agency may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.

Sec. 9. A person who:

(1) produces radiation; or

(2) produces, uses, stores, sells, or otherwise disposes of radioactive materials;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the agency, constitutes a separate offense.

SECTION 3. IC 16-18-2-28 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 28. "Atomic energy", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-3.~~

SECTION 4. IC 16-18-2-45 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 45. "Byproduct material", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-4.~~

SECTION 5. IC 16-18-2-147 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 147. "General license", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-6.~~

SECTION 6. IC 16-18-2-294 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 294. "Production facility", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-7.~~

SECTION 7. IC 16-18-2-334 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 334. "Source material", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-11.~~

SECTION 8. IC 16-18-2-335 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 335. "Special nuclear material", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-12.~~

SECTION 9. IC 16-18-2-336 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 336. "Specific license", for purposes of IC 16-41-35, has the meaning set forth in IC 16-41-35-13.~~

SECTION 10. IC 16-18-2-362 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 362. "Utilization facility", for purposes of~~

~~IC 16-41-35, has the meaning set forth in IC 16-41-35-15.~~

SECTION 11. IC 16-41-35-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if properly utilized but may impair the health of the public ~~and the industrial and agricultural potentials of Indiana~~ if improperly utilized, it is declared to be the public policy of Indiana to encourage the constructive **medical** uses of radiation and to control harmful effects of radiation.

SECTION 12. IC 16-41-35-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. As used in this chapter, "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.~~

SECTION 13. IC 16-41-35-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. As used in this chapter, "byproduct material" means any radioactive material, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials.~~

SECTION 14. IC 16-41-35-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 6. As used in this chapter, "general license" means a license effective under rules promulgated by the state department without filing an application to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.~~

SECTION 15. IC 16-41-35-7 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 7. As used in this chapter, "production facility" means:~~

~~(1) any equipment or device capable of producing special nuclear material in a quantity significant to the common defense and security or in a manner that affects the health and safety of the public; or~~

~~(2) any important component part especially designed for that equipment or device.~~

SECTION 16. IC 16-41-35-11 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 11. As used in this chapter, "source material" means:~~

~~(1) uranium, thorium, or any other material that the state department declares to be source material after the United States Nuclear Regulatory Commission has determined the material to be source material; or~~

~~(2) ores containing at least one (1) of the materials described in subdivision (1) in the concentration that the state department declares to be source material after the United States Nuclear Regulatory Commission has determined the material in that concentration to be source material.~~

SECTION 17. IC 16-41-35-12 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 12. As used in this chapter, "special nuclear material" means:~~

~~(1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the state department declares to be special nuclear material after the United States Nuclear Regulatory Commission has determined the material to be special nuclear material; or~~

~~(2) any material artificially enriched by any of the material described in subdivision (1).~~

SECTION 18. IC 16-41-35-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13. As used in this chapter, "specific license" means a license issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.~~

SECTION 19. IC 16-41-35-15 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 15. As used in this chapter, "utilization facility" means:~~

~~(1) any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in a quantity significant to the common defense and security, or in a manner that affects the health and safety of the public, or peculiarly adapted for making use of atomic energy in a quantity significant to the common defense and security, or in a manner that affects the health and safety of the public; or~~

~~(2) any important component part especially designed for such equipment or device.~~

SECTION 20. IC 16-41-35-26 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. ~~(a) The state department shall issue general or specific licenses for at least one (1) of the following:~~

~~(1) Byproduct material.~~

~~(2) Source material.~~

~~(3) Special nuclear material.~~

~~(4) Other radioactive materials occurring naturally or produced artificially.~~

~~(5) Devices or equipment utilizing this material.~~

~~(b) A license shall be issued only when the state department finds that the items described under subsection (a) may produce radiation sufficient to result in hazard or injury to health, life, or property.~~

~~(c) The state department shall adopt rules under this chapter providing for granting, suspending, revoking, or amending licenses. No licensing of materials, devices, or equipment now under the jurisdiction of the United States Nuclear Regulatory Commission shall be made effective before the effective date of an agreement that discontinues the federal government's regulation of sources of radiation involved, as provided in section 27(c) of this chapter.~~

~~(d)~~ A person ~~who is not required to have a general or specific license~~ may not produce radiation or produce, use, store, sell, or otherwise dispose of ~~radioactive materials,~~ radiation machines or electronic products, unless the person registers in writing with the state department, giving the pertinent information the state department requires, in accordance with the procedures prescribed by the state department.

SECTION 21. IC 16-41-35-27 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 27. (a) A registration under section 26(d) of this chapter is effective until there is a change that may significantly increase the number of sources, source strength, or output of energy of radiation produced. A registration that includes at least one (1) source that subsequently requires licensing under section 26(a) of this chapter expires with respect to that particular source upon the effective date of the license. If a change occurs, the change shall be registered with the state department within thirty (30) days as an amendment to the original registration, unless exempted under rules adopted under this chapter.~~

~~(b) The state department shall specify the expiration date for a~~

~~license in the license.~~

~~(c) The governor may, on behalf of the state, enter into an agreement with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of radiation and the assumption of those responsibilities by the state.~~

~~(d) A person who, on the effective date of an agreement under subsection (c), possesses a license issued by the federal government is considered to possess an equivalent license issued under this chapter that expires:~~

~~(1) ninety (90) days after receipt from the state department of a notice of expiration of the license; or~~

~~(2) on the date of expiration specified in the federal license;~~

~~whichever is earlier.~~

~~(e) The term of a license issued under this section by the state department is twenty-four (24) months.~~

~~(f) The license fee for a new or renewal license is two hundred fifty dollars ($250).~~

~~(g) If the department of state revenue notifies the department that a person is on the most recent tax warrant list, the department shall not issue or renew the person's license until:~~

~~(1) the person provides to the department a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or~~

~~(2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).~~

SECTION 22. IC 16-41-35-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 28. (a) The state department shall adopt rules under IC 4-22-2 concerning the production, transportation, use, storage, sale, or other disposition of radioactive material, radiation machines, or electronic products **used for medical purposes on human beings** to do the following:

(1) Prohibit and prevent unnecessary radiation.

(2) Carry out this chapter.

(b) Standards relative to unnecessary radiation included in the rules must be in general conformance with the recommendations of the National Council on Radiation Protection and Measurements **(NCRP)** and performance standards promulgated by appropriate federal agencies.

SECTION 23. IC 16-41-35-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 33. A person may not produce radiation or produce, use, store, sell, or otherwise dispose of radioactive materials, radiation machines, or electronic products, except in accordance with this chapter and rules adopted under this chapter **or IC 10-19.**

SECTION 24. IC 16-41-35-39 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 39. (a) Upon receiving advance notification, under 10 CFR 71.5a and 71.5b, of the transport of any nuclear waste to, through, or across the boundary of Indiana:~~

~~(1) the governor; or~~

~~(2) the governor's designee for the transport of nuclear waste;~~

~~shall provide to the sheriff of each county through which the nuclear waste is to be transported the notification required by subsection (b).~~

~~(b) The notification provided to each sheriff must include the following information from the notification given to the governor or the governor's designee if the information has been made available to the governor or the governor's designee:~~

~~(1) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment.~~

~~(2) A description of the nuclear waste contained in the shipment.~~

~~(3) The point of origin of the shipment and the seven (7) day period during which departure of the shipment is estimated to occur.~~

~~(4) The seven (7) day period during which arrival of the shipment at state boundaries is estimated to occur.~~

~~(5) The destination of the shipment and the seven (7) day period during which arrival of the shipment is estimated to occur.~~

~~(6) A point of contact with a telephone number for current shipment information.~~

~~(7) Information regarding necessary safety steps to be taken if an accident occurs during shipment of the nuclear waste.~~

~~(c) The notification prescribed by subsection (b) must be given in writing delivered by first class mail or by a faster means of delivery to the sheriff of each county through which the shipment of nuclear waste is to pass within twenty-four (24) hours after the governor or the governor's designee receives advance notification of the shipment under 10 CFR 71.5a and 71.5b.~~

~~(d) If the governor or the governor's designee is notified under 10 CFR 71.5a and 71.5b that the schedule for a shipment of nuclear waste will not be met or that a shipment of nuclear waste has been canceled, the governor or the governor's designee shall notify each sheriff previously notified about the shipment as to the delay or cancellation. The notification given by the governor or the governor's designee under this subsection must be provided under the same requirements prescribed in subsection (c) for the initial notification of sheriffs.~~

SECTION 25. IC 16-41-35-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 40. A person who:

(1) produces radiation; or

(2) produces, uses, stores, sells, or otherwise disposes of ~~radioactive materials,~~ radiation machines or electronic products;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the state department, constitutes a separate offense.

SECTION 26. IC 16-41-35-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 42. (a) In addition to other penalties provided under this chapter, the state department shall adopt rules under IC 4-22-2 that establish a schedule of civil penalties that may be levied upon a person for the violation of this chapter.

(b) A penalty included in the schedule of civil penalties adopted under this chapter may not exceed one thousand dollars ($1,000) for each violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

(1) fails to comply with this ~~section~~ **chapter** or a rule adopted under this ~~section;~~ **chapter;** or

(2) interferes with or obstructs the state department or the department's designated agent in the performance of duties under this ~~section.~~ **chapter.**

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding commenced to impose a civil penalty may be consolidated with any other proceeding commenced to enforce this

chapter or a rule adopted under this chapter.

SECTION 27. IC 22-12-2-5, AS AMENDED BY P.L.1-2006, SECTION 349, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The governor shall appoint a member of the commission to be the commission's chair.

(b) The member appointed by the governor serves as the commission's chair at the governor's pleasure.

(c) The commission shall, from the commission's members, elect a vice chair of the commission. The vice chair shall, in the absence of the chair, perform the duties of the chair.

SECTION 28. IC 22-13-2-2, AS AMENDED BY P.L.101-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

(1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

(2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).

(3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).

(4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).

(5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.

(6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

~~(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:~~

~~(1) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(2) Section 2406.2.~~

~~(3) Section 2406.3.~~

~~(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.~~

~~(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:~~

~~(1) Section 2403.2.~~

~~(2) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(3) Section 2406.2.~~

~~(4) Section 2406.3.~~

~~(i) After receiving and considering recommendations from the division of fire and building safety under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:~~

~~(1) Section 2403.2.~~

~~(2) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(3) Section 2406.2.~~

~~(4) Section 2406.3.~~

P.L.30-2014
[S.85. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-21-1-4, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may award a matching grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to establish a program to employ a school resource officer, **provide school resource officer training described in IC 20-26-18.2-1(b)(2),** conduct a threat assessment, or purchase equipment to restrict access to the school or expedite the notification of first responders in accordance with section 2(a) of this chapter.

(b) A matching grant awarded to a school corporation or charter school (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation or charter school (or the coalition of schools applying jointly).

(2) The following amounts:

(A) Fifty thousand dollars ($50,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of at least one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

(B) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of less than one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

(C) Fifty thousand dollars ($50,000) per year, in the case of a coalition of schools applying jointly.

(c) A school corporation or charter school may receive only one (1) matching grant under this section each year.

(d) The board may not award a grant to a school corporation or charter school under this chapter unless the school corporation or charter school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

SECTION 2. IC 20-26-18.2-1, AS ADDED BY P.L.172-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this chapter, "school resource officer" means an individual who:

(1) has completed the training described in subsection (b); ~~and~~

(2) is ~~employed by or~~ assigned to one (1) or more school corporations or charter schools to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

(i) protect against outside threats to the physical safety of students;

(ii) prevent unauthorized access to school property; and

(iii) secure schools against violence and natural disasters; **and**

(3) is:

(A) employed by a law enforcement agency;

(B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:

(i) is subject to the direction of the sheriff or appointing law enforcement agency;

(ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;

(iii) is required to complete all training required of

regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and

(iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

(C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of ~~certified~~ school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers; **or**

~~(C) a certified school resource officer instructor; or~~

~~(D) another organization that offers certified instruction to school resource officers.~~

(C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) ~~Certified~~ Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and

(2) school building security needs and characteristics.

P.L.31-2014
[S.91. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-14.5, AS ADDED BY P.L.286-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this section:

(1) "college and career readiness educational standards" means the standards that a high school graduate must meet to obtain the requisite knowledge and skill to transition without remediation to postsecondary education or training, and ultimately into a sustainable career; and

~~(1) "common core standards" refers to educational standards developed for kindergarten through grade 12 by the Common Core State Standards Initiative; and~~

(2) "cut scores" means the scores that define a student's performance on an assessment, including passing, failing, or falling into a performance category.

~~(b) Notwithstanding section 14 of this chapter, after May 15, 2013, the state board may take no further actions to implement as standards for the state or direct the department to implement any common core standards developed by the Common Core State Standards Initiative until the state board conducts a comprehensive evaluation of the common core standards as provided in this section. Any common core standards adopted by the state board before May 15, 2013, remain in effect until the state board adopts educational standards under subsection (c).~~

~~(c)~~ **(b)** Before July 1, 2014, the state board shall adopt **Indiana** college and career readiness educational standards, **voiding the previously adopted set of educational standards.** The educational standards must **do the following:**

(1) Meet national and international benchmarks for college and career readiness standards and be aligned with postsecondary educational expectations.

(2) Use the highest standards in the United States.

(3) Comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861, as in effect on January 1, 2014.

(4) Prepare Indiana students for college and career success, including the proper preparation for nationally recognized college entrance examinations such as the ACT and SAT.

(5) Maintain Indiana sovereignty.

(6) Provide strict safeguards to protect the confidentiality of student data.

~~The state board shall implement educational standards that use the common core standards as the base model for academic standards to the extent necessary to comply with federal standards to receive a flexibility waiver under 20 U.S.C. 7861. However, higher academic standards may be adopted that supplement or supplant the common core standards if the higher educational standards would qualify for a flexibility waiver under 20 U.S.C. 7861 because the higher educational standards meet United States Department of Education flexibility waiver requirements that ensure college and career readiness of students.~~

~~(d) The educational standards may not be adopted under subsection (c) until:~~

~~(1) the state board has received and considers:~~

~~(A) the department's evaluation of the common core under subsection (c);~~

~~(B) the final report of the legislative study committee established under subsection (f);~~

~~(C) the fiscal impact statement prepared by the office of management and budget under subsection (g); and~~

~~(2) the state board holds at least three (3) public meetings and takes public testimony regarding the adoption of educational standards after the state board has received and considered the information described in subdivision (1).~~

~~(e) Before July 1, 2013, the department shall provide a written evaluation of the common core standards to the:~~

~~(1) governor;~~

~~(2) legislative council;~~

~~(3) state board; and~~

~~(4) chairperson of the legislative study committee established in subsection (f).~~

~~The evaluation must be provided in an electronic format as provided under IC 5-14-6.~~

~~(f) The legislative council shall establish a legislative study committee to study issues relating to common core standards or other standards. Not later than November 1, 2013, the legislative committee shall submit the committee's final report to the legislative council, governor, department, and state board. The report must:~~

~~(1) compare existing Indiana standards with the common core standards;~~

~~(2) consider best practices in developing and adopting the standards, seeking information from a broad range of sources, including:~~

~~(A) subject area teachers from elementary and secondary schools in Indiana;~~

~~(B) subject area instructors and experts from postsecondary educational institutions; and~~

~~(C) any other standards the study committee considers to be superior standards; and~~

~~(3) evaluate the cost to the state or school corporations associated with implementing Partnership for Assessment of Readiness for College and Careers assessment or the Smarter Balanced assessment by schools.~~

~~The legislative study committee shall operate under the policies governing study committees adopted by the legislative council. The study committee shall hold at least three (3) public meetings.~~

~~(g) Before September 1, 2013, the office of management and budget established by IC 4-3-22-3, in consultation with the state board, shall provide an opinion concerning the fiscal impact to the state and school corporations if the state board:~~

~~(1) fully implements the common core standards; and~~

~~(2) discontinues the implementation of the common core standards.~~

~~The office of management and budget must provide its opinion in an electronic format under IC 5-14-6 to the governor, legislative council,~~

~~and state board.~~

~~(h)~~ **(c)** The department shall administer ISTEP assessments under IC 20-32-5 during the 2013-2015 biennium. ~~The state board may not require the use of the Partnership for Assessment of Readiness for College and Careers assessment or the Smarter Balanced assessment by schools until the state board receives and considers the reports received under subsections (c) through (g). This section does not remove academic standards developed or implemented by the state board before July 1, 2013.~~ **During the 2015-2016 school year, subject to subsection (e), the state board shall authorize the department to administer either the ISTEP assessment under IC 20-32-5 or a comparable assessment program that is aligned with the educational standards adopted by the state board under subsection (b).**

(d) Before the state board may authorize an assessment program under subsection (c), the state board shall submit the proposed assessment program to the budget committee for review.

~~(i)~~ **(e)** This subsection does not apply to an agreement with the United States Department of Education concerning a waiver from federal requirements. After June 30, 2013, the state, or the state board on behalf of the state, may not enter into or renew an agreement with any organization, entity, group, or consortium that requires the state to cede any measure of autonomy or control of education standards and assessments, including cut scores.

~~(j)~~ **(f)** The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section. As provided in IC 4-22-2-37.1 for an emergency rule adopted under this section to be effective after one (1) extension period, the rule must be adopted in conformity with the procedures under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 2. **An emergency is declared for this act.**

P.L.32-2014
[S.114. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-33-2-17.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 17.7. (a) Except as provided in subsection (b), the governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each school student if the student or a member of the student's household participates or exhibits in the Indiana state fair for educational purposes, as evidenced in writing by the student's parent and as approved in writing by the student's school principal. The number of excused absences a student may receive under this section may not exceed five (5) instructional days in a school year. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.**

(b) In order for a student to receive an excused absence under subsection (a), the student must be in good academic standing, as determined by the school corporation.

P.L.33-2014
[S.205. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24-4-1, AS AMENDED BY P.L.280-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by an authorizer and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years **or more than seven (7) years;** and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the authorizer and the organizer agree to renew the charter.

(C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.

(D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:

(i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(ii) describe improvements undertaken or planned for the charter school; and

(iii) detail the charter school's plans for the next charter term.

(E) Not later than October 1 in the year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal shall submit a renewal application to the charter authorizer under the renewal application guidance issued by the authorizer. The authorizer shall make a final ruling on the renewal application not later than March 1 after the filing of the renewal application. The March 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.

(7) Specify the grounds for the authorizer to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in:

(i) assessment measures, including the ISTEP and end of course assessments;

(ii) attendance rates;

(iii) graduation rates (if appropriate);

(iv) increased numbers of Core 40 diplomas and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);

(v) increased numbers of academic honors and technical honors diplomas (if appropriate);

(vi) student academic growth;

(vii) financial performance and stability; and

(viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:

(A) begin school operations; and

(B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.

SECTION 2. IC 20-24-9-1, AS AMENDED BY P.L.91-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A ~~sponsor~~ **authorizer** that has established a charter school shall submit an annual report to the department **and**

the state board for informational and research purposes. **The authorizer shall make the annual report available on the authorizer's Internet web site.**

(b) The department and state board shall make all annual reports submitted under subsection (a) available on the department's and state board's Internet web sites.

SECTION 3. IC 20-24-9-2, AS AMENDED BY P.L.280-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An annual report under this chapter must contain the following information:

(1) Results of all standardized testing, including ISTEP program testing, end of course assessments, and any other assessments used for each authorized school.

(2) Student growth and improvement data for each authorized school.

(3) Attendance rates for each authorized school.

(4) Graduation rates (if appropriate), including attainment of Core 40 and academic honors diplomas for each authorized school.

(5) Student enrollment data for each authorized school, including the following:

(A) The number of students enrolled.

(B) The number of students expelled.

(6) ~~Schools that closed or for which the charter was not renewed, and the reasons for the closure or nonrenewal.~~ **Status of the authorizer's charter schools, identifying each of the authorizer's charter schools that are in the following categories:**

(A) Approved but not yet open.

(B) Open and operating.

(C) Closed or having a charter that was not renewed, including:

(i) the year closed or not renewed; and

(ii) the reason for the closure or nonrenewal.

(7) Names of the authorizer's board members or ultimate decision making body.

(8) Evidence that the authorizer is in compliance with IC 20-24-2.2-1.5.

(9) A report summarizing the total amount of administrative fees

collected by the authorizer and how the fees were expended, if applicable.

(10) Total amount of other fees or funds not included in the report under subdivision (9) received by the authorizer from a charter school and how the fees or funds were expended.

(11) The most recent audits for each authorized school submitted to the authorizer under IC 5-11-1-9.

SECTION 4. IC 20-26-7-1, AS AMENDED BY P.L.17-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section, "charter school" has the meaning set forth in IC 20-24-1-4 and includes a group or entity seeking approval from a sponsor to operate a charter school under IC 20-24-3.

(b) Except as otherwise provided in this section, if a governing body of a school corporation determines that any real or personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be exchanged for other property;

the governing body may sell or exchange the property in accordance with IC 36-1-11.

(c) Money derived from the sale or exchange of property under this section shall be placed in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

(d) A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

(e) This subsection does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body. Except as provided in subsections (k) through (n), a governing body shall make available for lease or purchase to any charter school any school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building corporation, that:

(1) either:

(A) is not used in whole or in part for classroom instruction at

the time the charter school seeks to lease the building; or

(B) appears on the list compiled by the department under subsection (f); and

(2) was previously used for classroom instruction;

in order for the charter school to conduct classroom instruction.

(f) Not later than August 1 each calendar year, each governing body shall inform the department if a school building that was previously used for classroom instruction is closed, unused, or unoccupied. The department shall maintain a list of closed, unused, or unoccupied school buildings and make the list available on the department's Internet web site. Each school corporation shall provide a list of closed, unused, or unoccupied buildings to the department by the date set by the department. The department must update the list ~~each year before August 31.~~ **not later than fifteen (15) days after being notified of a closed, unused, or unoccupied building.**

(g) A school building that appears for the first time on the department's list under subsection (f) shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the governing body of the school corporation that owns the school building indicates to the department, on a form prescribed by the department, that the school building may be reclaimed during that period for classroom instruction. If a governing body does not indicate that a school building may be reclaimed, the governing body shall designate the school building as "Available" on the department's list. The governing body may change the designation of a building from unavailable to available at any time. If a school building that is designated as unavailable on the department's list remains unused for classroom instruction one (1) year after being reclaimed under this subsection, the governing body shall designate the school building as "Available" on the department's list. A governing body may reclaim a school building only one (1) time under this subsection.

(h) If a charter school wishes to use a school building on the list created under subsection (f), the charter school shall send a letter of intent to the department. Within thirty (30) days after receiving a letter from a charter school, the department shall notify the school corporation of the charter school's intent, and, within thirty (30) days after receiving notification from the department, the school corporation

that owns the school building shall lease the school building to the charter school for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the department's list under subsection (f). If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the department's list under subsection (f). If a school building is sold to a charter school under this subsection and the charter school or any entity related to the charter school subsequently sells or transfers the school building to a third party, the charter school or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

(i) During the term of a lease under subsection (h), the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

(j) Notwithstanding anything to the contrary in this section, and with the sole exception of a waiver provided in subsection (n), when a school building is designated as "Available" under subsection (g), the school building must remain designated as "Available" and may not be sold or otherwise disposed of for at least two (2) years. When the two (2) year period has elapsed, the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11.

(k) Notwithstanding subsection (e), a governing body may request a waiver from the department from the requirements of subsection (e).

In order for a governing body to receive a waiver under subsection (n), the governing body must apply to the department, on a form prescribed by the department, for the waiver. The application must include a statement that the governing body believes that a charter school would not be interested in leasing or purchasing the vacant or unused school building.

(l) If the department receives a waiver request under subsection (k), the department, within five (5) days after receiving the waiver request under subsection (k), shall notify each charter school sponsor and statewide organization representing charter schools in Indiana by certified mail of the waiver request received under subsection (k). The notice must include a copy of the governing body's waiver request.

(m) Not later than thirty (30) days after a charter school sponsor or statewide organization representing charter schools in Indiana receives a notice described in subsection (l), the charter school sponsor or a statewide organization representing charter schools may submit a qualified objection to the governing body's request for a waiver under subsection (k). The qualified objection must be submitted to the department in writing. In order for an objection to be considered a qualified objection by the department, the objection must include:

(1) the name of the charter school that is interested in leasing or purchasing the vacant or unused school building; and

(2) a time frame, which may not exceed one (1) year from the date of the objection, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.

(n) If the department receives a qualified objection under subsection (m), the vacant or unused school building shall remain on the department's list under subsection (f) with the designation with which the building is listed under subsection (g) at the time the department receives the waiver request. If the department does not receive a qualified objection, the department shall grant the governing body's request for a waiver. A governing body that receives a waiver under this subsection may sell or otherwise dispose of the unused or vacant school building in accordance with IC 36-1-11.

SECTION 5. IC 20-31-9-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) Not later than December 31 of the fifth year of**

an intervention under this chapter, the state board shall take one (1) of the following actions:

(1) Return the school to the school corporation for operation.

(2) Direct the special management team to apply to a charter school authorizer for charter school status for the school.

(3) Implement a new intervention under section 4(b) of this chapter.

(b) In making a determination under this section, the state board may consider all relevant factors, including the overall performance of the school corporation and the special management team.

(c) Before making a final determination to take an action under subsection (a), the state board shall hold at least one (1) public hearing in the school corporation in which the school is located during the fall semester of the fifth year of an intervention to consider and hear testimony.

(d) If the state board directs the special management team to apply for charter school status under subsection (a)(2), the school is entitled to continue to use the school's facilities in the same manner as a charter school that acquires school facilities under IC 20-26-7-1 is entitled to use school facilities.

SECTION 6. IC 20-31-9.5-7, AS ADDED BY P.L.160-2012, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) If the state board assigns a special management team to a school, the state board shall enter into a contract with a special management team that includes the following provisions:

(1) A requirement that the special management team and the governing body conduct a public meeting two (2) times each year to provide a report concerning:

(A) student achievement of affected students; and

(B) the condition of the school property and to address issues related to the school property.

(2) A requirement that the student instruction must be provided by teachers licensed under IC 20-28-5.

(3) A specification that the length of the contract is five (5) years.

(b) Individuals employed by the special management team are entitled to participate in either:

(1) the state teachers' retirement fund created by IC 5-10.4; or
(2) the public employees' retirement fund created by IC 5-10.3.

(c) Employees of a special management team are not required to organize and collectively bargain under IC 20-29-6.

P.L.34-2014
[S.222. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-34-7-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "organizing entity" means any person that:**

(1) operates:
(A) a recreational;
(B) an intramural; or
(C) an extracurricular;
athletic or sports program for individuals who are less than twenty (20) years of age; and
(2) uses a facility, field, park, or other property that is owned, leased, operated, or maintained by any of the following:
(A) The state.
(B) A political subdivision (as defined in IC 36-1-2-13).
(C) An agency or instrumentality of an entity described in clause (A) or (B).

SECTION 2. IC 20-34-7-5, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A high school student athlete who has been removed from play under section 4 of this chapter may not return to play until:

(1) the student athlete:

~~(1)~~ **(A)** is evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries; and

~~(2)~~ **(B)** receives a written clearance to return to play from the health care provider who evaluated the student athlete; **and**

(2) not less than twenty-four (24) hours have passed since the student athlete was removed from play.

(b) A licensed health care provider who evaluates a student athlete under subsection (a) may conduct the evaluation as a volunteer. A volunteer health care provider who in good faith and gratuitously authorizes a student athlete to return to play is not liable for civil damages resulting from an act or omission in the rendering of an evaluation, except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

SECTION 3. IC 20-34-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) As used in this section, "football" does not include flag football.**

(b) Beginning July 1, 2014, prior to coaching football to individuals who are less than twenty (20) years of age, each head football coach and assistant football coach shall complete a certified coaching education course that:

(1) is sport specific;

(2) contains player safety content, including content on:

(A) concussion awareness;

(B) equipment fitting;

(C) heat emergency preparedness; and

(D) proper technique;

(3) requires a coach to complete a test demonstrating comprehension of the content of the course; and

(4) awards a certificate of completion to a coach who successfully completes the course.

(c) For a coach's completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach shall complete a course not less than once during a two (2) year period. However, if the coach receives notice from the

organizing entity that new information has been added to the course before the end of the two (2) year period, the coach must:

(1) complete instruction; and

(2) successfully complete a test;

concerning the new information to satisfy the requirement imposed by subsection (b).

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 4. IC 34-30-2-85.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 85.9. IC 20-34-7-6 (Concerning coaches).**

P.L.35-2014

[S.321. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24-3-17, AS ADDED BY P.L.280-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The department shall assign a school corporation identification number for each ~~charter school established under this chapter.~~ **organizer granted a charter.**

(b) If an organizer assigned a school corporation identification number under subsection (a) consists of more than one (1) charter school, the department shall assign each charter school a separate school identification number.

~~(b)~~ **(c)** If ~~a charter school~~ **an organizer** assigned a school corporation identification number under subsection ~~(a)~~ **(b)** consists of more than one (1) campus, the department shall assign each ~~charter school~~ campus ~~in addition to the school corporation identification number under subsection (a),~~ a separate school identification number.

SECTION 2. IC 20-24-5-5, AS AMENDED BY P.L.91-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsections (b), (c), and (d), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting.

(c) A charter school may limit new admissions to the charter school to:

(1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years; ~~and~~

(2) ensure that a student who attends a charter school during a school year may continue to attend a different charter school held by the same organizer in subsequent years; and

~~(2)~~ **(3)** allow the siblings of a student who attends a charter school **or a charter school held by the same organizer** to attend the **same** charter school **the student is attending.**

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

(1) those students who were enrolled in the charter school on the

date of the conversion; and

(2) siblings of students described in subdivision (1).

SECTION 3. IC 20-24-7-1, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The organizer is the fiscal agent for the charter school.

(b) The organizer has exclusive control of:

(1) funds received by the charter school; and

(2) financial matters of the charter school.

(c) **The organizer shall maintain accounts of all funds received and disbursed by the organizer.** The organizer shall maintain separate accountings of all funds received and disbursed by ~~the~~ **each** charter school **it holds.**

(d) Notwithstanding IC 20-43, an organizer that operates more than one (1) charter school may file, before July 1, 2014, a notice with the department that the organizer desires to receive the tuition support distributions for the state fiscal year beginning July 1, 2014, for all the charter schools the organizer operates. After the organizer's authorizer or authorizers verify to the department that the organizer operates the charter schools, the department shall distribute the tuition support for the verified charter schools to the organizer. The organizer may distribute the tuition support distribution it receives to each charter school it operates in the amounts determined by the organizer. However, an organizer that receives money from the state under this subsection may not use any of the money received for expenses incurred outside Indiana that are not directly related to the charter school the organizer operates in Indiana.

(e) Organizers receiving tuition support under this section may submit a consolidated audit in accordance with guidelines established by the state examiner and submit any required financial reporting to the department in a manner prescribed by the state examiner. The state examiner shall establish guidelines and prescribe reporting requirements for organizers under this section that are consistent with generally accepted accounting principles (GAAP) and the needs of the department.

SECTION 4. IC 20-31-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2014]: **Sec. 7. If the state board adopts a rule to assign a category or designation of school improvement to a school corporation, the state board shall also adopt a rule to assign a category or designation of school improvement to a charter school organizer.**

SECTION 5. **An emergency is declared for this act**.

P.L.36-2014
[S.344. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-3-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. (a) As used in this section, "division" refers to the division of school building physical security and safety established by subsection (c).**

(b) As used in this section, "physical security" refers to security measures that are designed to deny unauthorized access to a building or facility, including equipment and resources, and to protect individuals and property from damage or harm.

(c) The division of school building physical security and safety is established within the department.

(d) The division shall:

(1) establish and maintain guidelines for using professional architectural and engineering services to integrate physical security improvements and safety practices in the construction, renovation, repair, or alteration of a school facility;

(2) carry out the department's responsibilities with regards to the school safety specialist training and certification program established in IC 5-2-10.1-11;

(3) establish and maintain guidelines for establishing emergency response protocols in cooperation with other state agencies;

(4) carry out the department's responsibilities under IC 5-2-10.1-12;

(5) coordinate the department's response and recovery assistance to a school in the event of a manmade or natural disaster;

(6) provide information and guidance to assist school corporations or schools to establish mutual aid disaster assistance agreements with other schools or school corporations; and

(7) study and collect information to integrate lessons learned from previous school disasters throughout the country into the curriculum of the school safety specialist training and certification program established in IC 5-2-10.1-11 and guidelines established by the division under this subsection.

(e) The division may, upon request by a school corporation:

(1) review a school safety plan;

(2) provide an onsite safety review for a school; and

(3) provide guidance or assistance relating to school safety matters to the school corporation.

(f) The division shall maintain a secure Internet web site to provide school officials and public safety officials access to information that is considered classified under IC 5-14-3-4(b)(1), IC 5-14-3-4(b)(18), and IC 5-14-3-4(b)(19) or other sensitive information that may assist school officials and public safety officials in improving school safety or responding to a manmade or natural disaster.

(g) The division shall maintain a public Internet web site that contains:

(1) the guidelines established by the division under subsection (d);

(2) best practices pertaining to school safety; and

(3) any other information the division determines may be necessary to carry out the division's duties or responsibilities under this section.

P.L.37-2014
[S.363. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-33-5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) If a school corporation does not request reimbursement under this chapter before April 1 of a particular school year, the school corporation shall, before the following June 1 of that year, estimate and report to the department the percentage of the school corporation's students who are enrolled in the school corporation and are eligible for assistance under this chapter.**

(b) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.

SECTION 2. IC 20-43-13-3, AS ADDED BY P.L.205-2013, SECTION 301, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The total amount to be distributed under this chapter to a school corporation or charter school for the state fiscal year beginning July 1, 2014, is the amount determined in STEP FOUR or STEP SIX (whichever is applicable) of the following formula:

STEP ONE: Determine the greater of zero (0) or the result determined under clause (B) after making the following determinations:

(A) Determine the percentage of the school corporation's students who were receiving financial assistance under IC 20-33-5 **(or, in the case of a school corporation described in IC 20-33-5-7.5(a), the percentage of the school corporation's students who were eligible to receive financial assistance under IC 20-33-5, as estimated and**

reported under IC 20-33-5-7.5(a)) in the school year ending in the later of:

(i) 2014; or

(ii) the first year of operation of the school corporation.

For a conversion charter school, the percentage determined under this clause is the percentage of the sponsor school corporation.

(B) Determine the quotient of:

(i) the percentage determined under clause (A); divided by

(ii) two (2).

STEP TWO: This STEP applies if the result determined under clause (B) of STEP ONE is greater than thirty-five hundredths (0.35). Determine the result of the following:

(A) Subtract thirty-five hundredths (0.35) from the result determined under clause (B) of STEP ONE.

(B) Determine the sum of:

(i) the result determined under clause (B) of STEP ONE; plus

(ii) the clause (A) result.

STEP THREE: This STEP applies if STEP TWO applies. Determine the product of:

(A) the STEP TWO result; multiplied by

(B) the school corporation's foundation amount for the state fiscal year.

STEP FOUR: This STEP applies if STEP TWO applies. Determine the product of:

(A) the STEP THREE result; multiplied by

(B) the school corporation's current ADM.

STEP FIVE: This STEP applies if the result determined under clause (B) of STEP ONE is less than or equal to thirty-five hundredths (0.35). Determine the product of:

(A) the result determined under clause (B) of STEP ONE; multiplied by

(B) the school corporation's foundation amount for the state fiscal year.

STEP SIX: This STEP applies if STEP FIVE applies. Determine the product of:

(A) the STEP FIVE result; multiplied by
(B) the school corporation's current ADM.

SECTION 3. **An emergency is declared for this act.**

P.L.38-2014
[H.1063. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 10-13-3-21, AS AMENDED BY P.L.1-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. As used in this chapter, "special education cooperative" has the meaning set forth in ~~IC 20-35-5-1(7).~~ **IC 20-35-5-1(8).**

SECTION 2. IC 20-24-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) Before July 1 of any year, a charter school and the governing body of the school corporation whose attendance area includes the charter school may enter into a compact in which the:**

(1) school corporation or charter school agrees to provide goods, facilities, services, or other consideration to the other party to the compact; and

(2) charter school authorizes the school corporation to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

(b) If a charter school and a governing body enter into a compact under subsection (a), the charter school and the governing body shall notify the department that a compact has been executed under this section within thirty (30) days after the compact is

executed.

(c) Upon receipt of the notification under subsection (b), the department shall, for school years starting with the school year beginning in the calendar year in which the compact was executed, include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

(d) A compact entered into under this section may not change the rights, duties, or responsibilities of an existing:

(1) employment contract; or

(2) collective bargaining agreement;

between a school employee and a school corporation or a charter school. An employee of a school corporation who provides services to a charter school remains an employee of the school corporation.

(e) This section may not be construed to prohibit any other agreement between a charter school and the governing body of the school corporation whose attendance area includes the charter school for goods, facilities, services, or other consideration.

SECTION 3. IC 20-35-5-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The definitions in this section apply throughout this chapter.

(1) "Agreement" means an:

(A) identical resolution adopted by the governing body of each participating school corporation **or the governing board of a participating charter school;** or

(B) agreement approved by the governing body of each participating school corporation **or the governing board of a participating charter school;**

providing for a special education cooperative.

(2) "Assessed valuation" of a participating school corporation for a school year means the net assessed valuation of the school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.

(3) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.

(4) "Governing body" of a participating school corporation **or charter school** means the board or commission charged by law with the responsibility of administering the affairs of the school corporation **or charter school.** In the case of a school township, the term means the township trustee and township board.

(5) "Participating school corporation" means a local public school corporation that:

(A) is established under Indiana law; and

(B) cooperates with other **school** corporations **or charter schools** in a special education cooperative.

(6) "Participating charter school" means a charter school that is established under Indiana law and cooperates with other school corporations or charter schools in a special education cooperative.

~~(6)~~ **(7)** "Percentage share" of a participating school corporation is the percent that its assessed valuation bears to the total assessed valuation of all the participating ~~schools~~ **school corporations** joining in an agreement.

~~(7)~~ **(8)** "Special education cooperative" means a department, school, **charter school,** or school corporation established, maintained, and supervised for the education of children with disabilities in accordance with this section.

SECTION 4. IC 20-35-5-2, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~Two (2) or more~~ **A** participating school ~~corporations~~ **corporation or charter school, together with one (1) or more participating school corporations or charter schools,** may form a special education cooperative in accordance with the provisions of either sections 13 through 15 of this chapter or section 16 of this chapter, but subject to the limitations of this section and sections 3 through 8 of this chapter, by adopting an agreement that contains the following provisions:

(1) A plan for the organization, administration, and support for the special education cooperative, including the establishment of a board of managers.

(2) The commencement date of the establishment of the special education cooperative, which must be contemporaneous with the beginning of a school year.

(3) The extension of the special education cooperative for at least five (5) school years and a provision that the special education cooperative will extend from school year to school year after the five (5) year period unless the special education cooperative is terminated by action of the governing bodies **or governing boards** of a majority of the participating school corporations **and participating charter schools** that is taken at least one (1) year before termination of the agreement.

SECTION 5. IC 20-35-5-3, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. During the term of an agreement adopted under section 2 of this chapter, the agreement may be modified by unanimous consent of all the participating school corporations **and charter schools.**

SECTION 6. IC 20-35-5-4, AS AMENDED BY P.L.2-2006, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. An agreement adopted under section 2 of this chapter may include the following:

(1) An agreement to acquire sites, buildings, and equipment for the sites and buildings by:

(A) purchase;

(B) lease from any of the participating school corporations **or charter schools** for the term of the agreement; or

(C) lease under the provisions of IC 20-47-2 or IC 20-47-3.

(2) An agreement to repair, equip, and maintain school buildings and equipment.

(3) An agreement that participating school corporations may use funds from their respective capital projects fund to pay for the costs under subdivision (1) or (2) or for any other purposes authorized under IC 20-40-8.

(4) An agreement with a charter school to exchange any consideration for special education services.

SECTION 7. IC 20-35-5-5, AS AMENDED BY P.L.2-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The amount of money used from a participating school corporation's capital projects fund shall be determined by agreement among the participating school ~~corporations.~~ **parties.**

SECTION 8. IC 20-35-5-6, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The cost of the special education cooperative for each school year shall be paid by the participating school corporations **and charter schools** in accordance with the terms of their agreement. Agreements for the payment of the cost of the special education cooperative may:

(1) establish a formula for payments that meet the needs of the **participating** school corporations **and participating charter schools;** or

(2) base payments on a percentage share formula.

SECTION 9. IC 20-35-5-7, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Upon the termination of the agreement, the participating school corporations **and charter schools** shall be liable for their respective portions of any long term lease or other long term obligations in the same annual portions as are provided in the agreement as though the agreement had not been terminated, unless the terms under which the obligations were set up provide otherwise.

SECTION 10. IC 20-35-5-14, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A special education cooperative may be operated and managed and its budget determined by a board of managers. The board of managers consists **of members as determined by agreement between the parties.** ~~of one (1) designated member from each participating school corporation. The designated member from a participating school corporation must be:~~

~~(1) the president (or trustee in the case of a school township) of the governing body of a participating school corporation;~~

~~(2) any member of the governing body whom the president or trustee designates;~~

~~(3) the superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of the participating school corporation; or~~

~~(4) an assistant superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of the participating~~

~~school corporation.~~

~~The president or trustee may change the designated member at any time.~~

SECTION 11. IC 36-1-7-1, AS AMENDED BY P.L.221-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

(1) The state.

(2) All political subdivisions.

(3) All state agencies.

(4) Any of the following created by state law:

(A) Public instrumentalities.

(B) Public corporate bodies.

(5) Another state to the extent authorized by the law of that state.

(6) Political subdivisions of states other than Indiana, to the extent authorized by laws of the other states.

(7) Agencies of the federal government, to the extent authorized by federal laws.

(8) Indiana charter schools.

SECTION 12. **An emergency is declared for this act.**

P.L.39-2014

[H.1079. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-11-32, AS ADDED BY P.L.282-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013 (RETROACTIVE)]: Sec. 32. (a) This section does not apply to a school corporation if the governing body has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation.

(b) The governing body of a school corporation shall annually establish:

(1) **except as provided in subsection (m),** the number of transfer students the school corporation has the capacity to accept in each grade level; and

(2) the date by which requests to transfer into the school corporation must be received by the governing body.

(c) After establishing the date under subsection (b)(2), the governing body shall:

(1) publish the date on the school corporation's Internet web site; and

(2) report the date to the department.

(d) The department shall publish the dates received from school corporations under subsection (c)(2) on the department's Internet web site.

(e) A student to whom this section applies may not request to transfer under this section primarily for athletic reasons to a school corporation in which the student does not have legal settlement.

(f) If the number of requests to transfer into a school corporation received by the date established for the school corporation under subsection (b)(2) exceeds the capacity established for the school corporation under subsection (b)(1), each timely request must be given an equal chance to be accepted, with the exception that a student described in subsection (h) shall be given priority. The governing body must determine which students will be admitted as transfer students to each school building and each grade level within the school corporation by a random drawing in a public meeting.

(g) Except as provided in subsections (i), (j), ~~and~~ (k), **and (m),** the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on ISTEP tests, disciplinary record, or disability, or upon any other factor not related to the school corporation's capacity.

(h) Except as provided in subsections (i), (j), and (k), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation if the student requesting to transfer:

(1) is a member of a household in which any other member of the household is a student in the transferee school; or

(2) has a parent who is an employee of the school corporation.

(i) A governing body of a school corporation may limit the number of new transfers to a school building or grade level in the school corporation:

(1) to ensure that a student who attends a school within the school corporation as a transfer student during a school year may continue to attend the school in subsequent school years; and

(2) to allow a student described in subsection (h) to attend a school within the school corporation.

(j) Notwithstanding subsections (g) and (h), a governing body of a school corporation may deny a request for a student to transfer to the school corporation, or establish terms or conditions for enrollment that prevent a student from enrolling in a school, if the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months preceding the student's request to transfer under this section:

(1) for ten (10) or more school days;

(2) for a violation under IC 20-33-8-16;

(3) for causing physical injury to a student, a school employee, or a visitor to the school; or

(4) for a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (1), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivisions (2) through (4) shall be included in the calculation of the number of school days that a student has been suspended.

(k) The governing body of a school corporation with a school building that offers a special curriculum may require a student who transfers to the school building to meet the same eligibility criteria required of all students who attend the school building that offers the special curriculum.

(l) The parent of a student for whom a request to transfer is made is responsible for providing the school corporation to which the request is made with records or information necessary for the school corporation to determine whether the request to transfer may be denied under subsection (j).

(m) Notwithstanding this section, the governing body of a school corporation may authorize the school corporation to enter into an agreement with an accredited nonpublic school or charter school

to allow students of the accredited nonpublic school or charter school to transfer to a school within the school corporation.

~~(m)~~ **(n)** A school corporation that has adopted a policy to not accept student transfers after June 30, 2013, is not prohibited from enrolling a:

(1) transfer student who attended a school within the school corporation during the 2012-2013 school year; **or**

(2) member of a household in which any other member of the household was a transfer student who attended a school within the school corporation during the 2012-2013 school year.

However, if a school corporation enrolls a student described in subdivision (1) or (2), the school corporation shall also allow a student or member of the same household of a student who attended an accredited nonpublic school within the attendance area of the school corporation during the 2012-2013 school year to enroll in a school within the school corporation.

SECTION 2. **An emergency is declared for this act.**

P.L.40-2014
[H.1181. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 5-2-10.1-6, AS AMENDED BY P.L.280-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A school corporation, **school corporation career and technical education school described in IC 20-37-1-1,** or charter school (as defined in IC 20-24-1-4) may receive a grant from the fund for programs, equipment, services, or activities included in a safety plan submitted with the application for funds to the institute.

(b) A safety plan submitted under this section must include provisions for zero (0) tolerance for alcohol, tobacco, drugs, and weapons on school property. If the institute approves the safety plan and application, the treasurer of state shall disburse from the fund to the applicant the amount of the grant certified to the treasurer of state by the institute.

SECTION 2. IC 5-2-10.1-7, AS AMENDED BY P.L.280-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "program" refers to a school safe haven program.

(b) A school corporation, **school corporation career and technical education school described in IC 20-37-1-1,** or charter school (as defined in IC 20-24-1-4) may apply to the institute for a grant for matching funds under this chapter to establish and operate a school safe haven program.

(c) A program must include at least the following components:

(1) The school must be open to students of the school before and after normal operating hours, preferably from 7 a.m. to 9 p.m., on days determined by the school corporation.

(2) The program must operate according to a plan to do the following in the school:

(A) Reduce alcohol, tobacco, and drug abuse.

(B) Reduce violent behavior.

(C) Promote educational progress.

(d) The institute shall adopt rules to administer the program, including rules concerning evaluations by school corporations **and school corporation career and technical education schools described in IC 20-37-1-1** on the use and impact of grant money received through the program.

SECTION 3. IC 5-2-10.1-10, AS AMENDED BY SEA 24-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A county may establish a county school safety commission.

(b) The members of the commission are as follows:

(1) The school safety specialist for each school corporation located in whole or in part in the county.

(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.

(3) The sheriff of the county or the sheriff's designee.

(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.

(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the prosecuting attorneys council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2), as determined in the fall count of ADM in the school year ending in the current calendar year, in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations **and school corporation career and technical education schools described in IC 20-37-1-1** in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation **and each school corporation career and technical education schools described in IC 20-37-1-1** in carrying out the school corporation's **or career and technical education school's** safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

(g) A commission shall receive the school safety plans described in IC 20-26-18.2-2 for the schools and school corporations located in the county. The commission may share the school safety plans with law enforcement agencies.

SECTION 4. IC 5-2-10.1-12, AS AMENDED BY SEA 24-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) Each school within a school corporation **and each school corporation career and technical education school described in IC 20-37-1-1** shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, criminal gang activity, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school

faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

SECTION 5. IC 6-1.1-20-1.1, AS AMENDED BY P.L.106-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

(A) Two million dollars ($2,000,000).

(B) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on

the last assessment date, if that amount is at least one million dollars ($1,000,000).

For purposes of this chapter, the cost of a project by a school corporation career and technical education school described in IC 20-37-1-1 that is funded through an advance from the common school fund under IC 20-49 shall be allocated among the organizing school corporations in the same manner as the advance is allocated under IC 20-49-4.

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that:

(A) is in response to:

(i) a natural disaster;

(ii) an accident; or

(iii) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use; and

(B) is approved by the county council of each county in which the political subdivision is located.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

SECTION 6. IC 10-21-1-1, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following definitions apply throughout this

chapter:

(1) "ADM" refers to average daily membership determined under IC 20-43-4-2.

(2) "Board" refers to the secured school safety board established by section 3 of this chapter.

(3) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(4) "Local plan" means the school safety plan described in IC 20-26-18.2-2(b).

(5) "School corporation or charter school" refers to an individual school corporation, **a school corporation career and technical education school described in IC 20-37-1-1,** or **a** charter school but also includes:

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

(C) a coalition of both school corporations and charter schools;

that intend to jointly employ a school resource officer or to jointly apply for a matching grant under this chapter, unless the context clearly indicates otherwise.

(6) "School resource officer" has the meaning set forth in IC 20-26-18.2-1.

SECTION 7. IC 20-49-3-8, AS AMENDED BY P.L.205-2013, SECTION 307, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The fund may be used to make advances:

(1) to school corporations, including school townships **and school corporation career and technical education schools described in IC 20-37-1-1,** under IC 20-49-4 and IC 20-49-5; and

(2) under IC 20-49-6.

Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1. However, an advance to a school corporation career and technical education school described in IC 20-37-1-1 is not considered an advance to a school corporation for purposes of determining if the school corporation career and technical education school described in IC 20-37-1-1 qualifies for an advance.

SECTION 8. IC 20-49-4-1, AS ADDED BY P.L.2-2006, SECTION

172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies to school corporations organized and formed through reorganization under IC 20-23-4, IC 20-23-6, or IC 20-23-7, ~~and~~ school townships under IC 20-23-3, **and school corporation career and technical education schools described in IC 20-37-1-1. Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1.**

SECTION 9. IC 20-49-4-7, AS AMENDED BY P.L.205-2013, SECTION 308, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. As used in this chapter, "school building construction program" means the purchase, lease, or financing of land, the construction and equipping of school buildings, and the remodeling, repairing, or improving of school buildings by a school corporation:

(1) that sustained a loss from a disaster;

(2) whose adjusted assessed valuation (as determined under IC 6-1.1-34-8) per current ADM is within the lowest forty percent (40%) of the assessed valuation per current ADM when compared with all school corporation adjusted assessed valuation (as adjusted (if applicable) under IC 6-1.1-34-8) per current ADM; or

(3) with an advance under this chapter outstanding on July 1, 1993, that bears interest of at least seven and one-half percent (7.5%).

The term does not include facilities used or to be used primarily for interscholastic or extracurricular activities. **If a program involves a school corporation career and technical education school described in IC 20-37-1-1, the adjusted assessed valuation and current ADM of all those school corporations that are members of the career and technical education school are to be used for making determinations under this section.**

SECTION 10. IC 20-49-4-9, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. Priority of advances for school building construction programs shall be made to school corporations that have the least amount of adjusted assessed valuation (as determined under IC 6-1.1-34-8) per student in ADM. **If a program**

involves a school corporation career and technical education school described in IC 20-37-1-1, the adjusted assessed valuation and current ADM of all those school corporations that are members of the career and technical education school are to be used for making determinations under this section.

SECTION 11. IC 20-49-4-18, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. To ensure timely payment of advances according to the terms, the state may in its sole discretion withhold from funds due to school corporations to which advances are made amounts necessary to pay the advances and the interest on the advances in accordance with their respective terms. The terms of the advances shall be established by the state board after consulting with the department and upon the approval of the budget agency in advance of the time the respective advances are made. However, in the case of school corporations with advances outstanding on July 1, 1993, the withholding may be adjusted to conform with this chapter. To the extent available, funds shall first be withheld from the distribution of state tuition support. However, if this distribution is not available or is inadequate, funds may be withheld from the distribution of other state funds to the school corporation to which the advance is made. **If an advance is made to a school corporation career and technical education school described in IC 20-37-1-1, a part of the advance and the payment obligation for that part of the advance shall be determined by allocating the advance and payment amounts among the members of the career and technical education school using the number of students from each member school corporation that are enrolled in the career and technical education school in the school year the advance is made.**

SECTION 12. IC 20-49-4-19, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A school corporation receiving an advance shall agree to have the money advanced, together with the interest on the advance, deducted from the distribution of state tuition support until all the money advanced, together with the interest on the advance, has been paid. The state board and the state board of finance shall reduce each distribution of state tuition support to each school corporation to which an advance is made in an amount to be agreed

upon by the state and the school corporation. **If an advance is made to a school corporation career and technical education school described in IC 20-37-1-1, the reduction for a payment obligation for the advance shall be allocated as provided in section 18 of this chapter.**

P.L.41-2014
[H.1204. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 16-39-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section, "primary caregiver" means an individual who provides for the physical, emotional, and social needs of another individual who cannot provide for the other individual's own needs.

(b) Upon the written request of a patient's:

(1) spouse;

(2) parent if:

(A) the patient does not have a spouse; or

(B) the parent is the primary caregiver to the patient;

(3) adult child if the patient has neither a spouse nor a parent;

(4) sibling if the patient has neither a spouse, a parent, nor an adult child; or

(5) guardian, guardian ad litem, or court appointed special guardian;

who is involved in the planning, provision, and monitoring of mental health services delivered to the patient and the written consent of the treating physician for the patient, the provider shall provide the individual described in subdivision (1), (2), (3), (4), or (5) with the information described in section 3 of this chapter.

(c) Upon the written request of the parent, guardian, or court appointed special guardian who is involved in the planning, provision, and monitoring of the mental health of a child enrolled in a school, the provider shall provide the child's school principal or school leader with information described in section 3 of this chapter without charge.

(d) A parent, guardian, guardian ad litem, or court appointed special guardian who prepares a written request under this section shall sign an authorization for the release of mental health records, as may be requested by the provider in satisfaction of any requirements under the federal Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq., as amended and including governing regulations) and state law. A provider that discloses information and records to a school principal or school leader as requested under this chapter is immune from civil, criminal, and administrative liability for the disclosure to the school principal or school leader. The authorization required by the provider may confirm the provider's immunity.

SECTION 2. IC 16-39-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** If a provider has received a written request under section ~~2~~ **2(b)** of this chapter, the provider shall provide **the following information to** the individual who made the request **or, if the request is made under section 2(c) of this chapter, the patient's school principal or school leader:** ~~with the following information:~~

(1) A summary of the patient's diagnosis.

(2) A summary of the information required to be given to the patient under IC 12-27-6-2 and IC 12-27-6-3.

(3) The types of medication that have been prescribed for the patient.

(4) A summary of the patient's prognosis.

If the information is provided after a request is made under section 2(c) of this chapter, the provider shall limit the information provided to information concerning the patient's mental health. The school principal or school leader shall keep the information the principal or school leader receives under this section confidential.

(b) A school principal or school leader who receives information and mental health records under this chapter shall sign a

confidentiality agreement prescribed by the provider confirming that the information and mental health records released by the provider may not be disclosed by the principal except to the minimum necessary extent required to:

(1) inform necessary school staff of the principal's or school leader's decision regarding the student's fitness for school attendance and participation in services; or

(2) satisfy duties imposed upon the principal or school leader by law.

(c) A school principal or school leader who receives information and mental health records under this chapter is immune from civil, criminal, and administrative liability for disclosures made pursuant to this chapter.

SECTION 3. IC 20-33-2-46, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 46. (a) ~~With the approval of the state board,~~ **Except as provided in subsection (c),** a superintendent **or school leader** may exclude or excuse a student found mentally or physically unfit for school attendance. An exclusion or excuse under this section is valid only for the school year during which it is issued **and shall not violate a student's right to a free and appropriate public education under federal law.**

~~(b) A superintendent's action under this section must be in accordance with limitations and regulations established by the state board concerning the procedures and requirements for the complete examination of students.~~

~~(c)~~ **(b)** A student may not be compelled to undergo any examination or treatment under this chapter when the student's parent objects on religious grounds, which consists of a good faith reliance on spiritual means or prayer for healing. The objection is not effective unless it is:

(1) made in writing;

(2) signed by the student's parent; and

(3) delivered to the student's teacher or to the individual who might order an examination or treatment absent the objection.

~~A student may not be excluded under this section except as provided under IC 20-33-8.~~

(c) If a physician, psychologist, or psychiatrist certifies that a student is fit for school attendance, the superintendent or school

leader may not exclude or excuse that student. However, nothing in this section shall prohibit a school from disciplining a student pursuant to any legal authority, including but not limited to IC 20-33-8.

SECTION 4. IC 33-37-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) **Except as provided in section 3.5 of this chapter,** a witness in a criminal action may receive a fee if the witness:

(1) is summoned by the state;

(2) is named on the indictment or information; and

(3) testifies under oath to a material fact in aid of the prosecution.

(b) A fee paid under subsection (a) is the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) For each day of attendance in court equal to:

(A) fifteen dollars ($15) for witnesses subpoenaed under IC 35-37-5-4; or

(B) five dollars ($5) for all other witnesses.

SECTION 5. IC 33-37-10-3, AS AMENDED BY P.L.1-2007, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **Except as provided in section 3.5 of this chapter,** a witness in an action listed in IC 33-37-4-2, IC 33-37-4-3, IC 33-37-4-4, IC 33-37-4-6, and IC 33-37-4-7 is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) Five dollars ($5) for each day of attendance in court.

SECTION 6. IC 33-37-10-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. A witness in any civil or criminal action who is employed by a school in Indiana is entitled to the sum of the following if the witness is called to testify on a regular school day of the school district that employs the witness:**

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) One hundred dollars ($100) for each day of attendance in court.

SECTION 7. IC 34-30-2-77.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 77.6. IC 16-39-4-3 (Concerning school principals and school leaders who receive information and mental health records).**

SECTION 8. IC 34-30-2-77.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 77.7. IC 16-39-4-2 (Concerning providers that disclose information and records to a school principal or school leader).**

SECTION 9. IC 34-30-28 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 28. Immunity for Schools, School Employees, and School Boards Concerning Student Health

Sec. 1. A school, school employee, or school board is not liable for civil damages as a result of:

(1) an injury to a child or family members of the child if the injury is a result of a student's mental health issue that has not been disclosed to the school by the parents or guardian; or

(2) any referrals the school made or services the school offered concerning evaluations or treatment of the student's health, including mental health.

P.L.42-2014
[H.1303. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-27-3-5, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** The committee shall adopt and enforce rules under IC 4-22-2 to require that each new school bus operated by or on behalf of a school corporation bear the ~~number~~ **name** of the school district on the back of the school bus in black letters that are at least four (4) inches and not more than six (6) inches high.

(b) The committee shall adopt and enforce rules under IC 4-22-2 to require that each school bus placed into service for the first time by a school corporation or nonpublic school bear an indication on the back of the school bus in black letters that the school bus is required to stop at all railroad crossings.

SECTION 2. IC 20-27-7-13, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. If:

(1) after being repaired under section 11 of this chapter a special purpose bus or school bus does not meet the minimum standards under this chapter; or

~~(2) a special purpose bus or school bus is not repaired to meet the minimum standards under this chapter;~~

(2) a special purpose bus or school bus does not comply with the safety requirements for school bus construction and equipment established by the rules of the committee and the noncompliance is a serious safety critical violation, as determined by the committee;

the state police department shall issue an out-of-service order and certificate for the special purpose bus or school bus. ~~Each~~

~~out-of-service order and certificate shall be served personally on~~ The driver of the special purpose bus or school bus **at the time of the inspection shall be notified of the out-of-service order** and a copy shall be ~~forwarded to~~ **made available on the Internet web site of the state police department for** the governing body of the school corporation that controls the operation of the special purpose bus or school bus. ~~After an out-of-service order and certificate have been issued, the affected special purpose bus or school bus may not be used to transport passengers until all defects have been corrected.~~

SECTION 3. IC 20-27-7-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14.5. After:**

(1) an out-of-service order and an out-of-service certificate have been issued under section 13 of this chapter; and

(2) the out-of-service certificate has been displayed or positioned as set forth in section 14 of this chapter;

the affected special purpose bus or school bus may not be used to transport passengers until all defects have been corrected.

SECTION 4. IC 20-27-8-4, AS AMENDED BY P.L.82-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. An individual who is or intends to become a school bus driver must obtain a physical examination certificate stating that the individual possesses the physical characteristics required by section 1(a)(7) of this chapter. The certificate shall be made by ~~a physician who is licensed in Indiana or a state bordering Indiana after the physician~~ **an individual who is registered in the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners after the certified medical examiner** has conducted a physical examination of the school bus driver or prospective school bus driver. ~~The physician shall be chosen by the school bus driver or prospective driver, who shall pay for the examination.~~ **The school corporation shall determine how the certified medical examiner who is to conduct the physical examination is chosen and who must pay for the physical examination.**

SECTION 5. **An emergency is declared for this act.**

P.L.43-2014
[H.1319. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-18-2-22, AS AMENDED BY P.L.167-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students.

(b) For purposes of IC 20-28, the term includes the following:

(1) A superintendent who holds a license under IC 20-28-5.

(2) A principal.

(3) A teacher.

(4) A librarian.

(5) A school counselor.

SECTION 2. IC 20-19-3-9.4, AS ADDED BY P.L.1-2010, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9.4. **(a)** Beginning January 1, 2010, the department may obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information to:

(1) access the information at any time; and

(2) accurately determine:

(A) where each student is enrolled and attending classes; and

(B) the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation;

as of any date after December 31, 2009, occurring before two (2) regular instructional days before the date of the inquiry.

Each school corporation and charter school shall provide the

information to the department in the form and on a schedule that permits the department to comply with this section. The department shall provide technical assistance to school corporations and charter schools to assist school corporations and charter schools in complying with this section.

(b) Beginning with the 2015-2016 school year, each school corporation and charter school shall annually:

(1) determine whether a student's parent is a member of:

(A) the armed forces of the United States who is on active duty;

(B) the reserve component of a branch of the armed forces of the United States; or

(C) the national guard; and

(2) provide a list to the department of the students who have been identified under subdivision (1).

The department shall assign each student identified under subdivision (1) a unique identifier, which may be a modification of the student's test number assigned under subsection (a), by which data concerning military connected students may be disaggregated.

SECTION 3. IC 20-20-8-3, AS ADDED BY P.L.169-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Not earlier than ~~January~~ **March** 15 or later than ~~January~~ **March** 31 of each year, the governing body of a school corporation shall publish an annual performance report of the school corporation, in compliance with the procedures identified in section 7 of this chapter. The report must be published one (1) time annually under IC 5-3-1.

(b) The department shall make each school corporation's report available on the department's Internet web site. The annual performance report published on the Internet for a school corporation, including a charter school, must include any additional information submitted by the school corporation under section 6(3)(A) of this chapter. The governing body of a school corporation may make the school corporation's report available on the school corporation's Internet web site.

(c) The governing body of a school corporation shall provide a copy of the report to a person who requests a copy. The governing body may not charge a fee for providing the copy.

SECTION 4. IC 20-28-7.5-8, AS ADDED BY P.L.90-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract entered into ~~after August 15~~ **less than fourteen (14) days before the day on which teachers must report for work** between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher that will be effective if the teacher:

(1) furnishes the principal a release by the employer under the previous contract; or

(2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

SECTION 5. IC 20-32-5-12, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including ISTEP program test scores **and information required to be disaggregated by the department under section 13.5 of this chapter,** in a manner that a reasonable person can easily read and understand.

SECTION 6. IC 20-32-5-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13.5. The department shall disaggregate from the total results of the ISTEP program test results for a school corporation the percentage of students in each school and each grade in the school corporation that are identified as high ability students (as defined by IC 20-36-1-3) by the school corporation who also achieved a score in the highest performance level designated for the ISTEP test. However, this disaggregation**

is not required in a case in which the results would reveal personally identifiable information about an individual student under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

SECTION 7. IC 20-33-2-13, AS AMENDED BY P.L.140-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

(1) Attendance records.

(2) The student's latest ISTEP program test results under IC 20-32-5.

(3) Any secondary level and postsecondary level certificates of achievement earned by the student.

(4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.

(5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

(6) The student's latest PSAT program test results.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee for study during the 2014 legislative interim the topics of:**

(1) requirements for schools to make up time for days on which the start of the school day was delayed; and

(2) school start times in general;

in relation to academic achievement, student safety, and parental work schedules.

(b) This SECTION expires November 1, 2014.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee for study during the 2014 legislative interim the topic of student discipline and the suspension, expulsion, or exclusion of a student from school.**

(b) This SECTION expires November 1, 2014.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee, for study during the 2014 legislative interim, the topic of determining appropriate and feasible incentives to encourage effective and highly effective teachers to teach in poorly performing schools.**

(b) This SECTION expires November 1, 2014.

SECTION 11. **An emergency is declared for this act.**

P.L.44-2014
[H.1321. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 25.5. INNOVATION NETWORK SCHOOLS

Chapter 1. Findings

Sec. 1. The general assembly finds the following:

(1) The Indianapolis Public Schools face challenges due to:

(A) decades of declining enrollment that have resulted in significantly underutilized school buildings, unsustainable operating and maintenance costs, and steep reductions in revenue;

(B) competition with an unusually large number of charter schools that are located within Indianapolis Public School boundaries as a result of legislation that granted the mayor of Indianapolis the unique authority to open charter schools and provided financial incentives for charter schools to locate within Indianapolis Public School

boundaries;

(C) an unusually high percentage of chronically low-performing schools, including four (4) schools that are under state intervention; and

(D) a large number of newly built or recently renovated school buildings that are owned by the building corporation and serve as security for four (4) different bond issues.

(2) A unique approach is necessary to allow the Indianapolis Public Schools:

(A) to use existing underutilized facilities to open new, innovative, and autonomous schools either independently or in collaboration with school leaders or operators of high performing charter schools;

(B) to offer more high-quality educational options to the students served by Indianapolis Public Schools; and

(C) to produce improved academic performance and better serve all of the community stakeholders.

Chapter 2. Applicability

Sec. 1. This article applies to a common school corporation that:

(1) is located in whole or in part in the most populous township in a county having a population of more than seven hundred thousand (700,000); and

(2) serves the largest geographical territory of any school corporation in the county.

Chapter 3. Definitions

Sec. 1. As used in this article, "board" has the meaning set forth in IC 20-25-2-5.

Sec. 2. As used in this article, "eligible school" means a school that is part of a school corporation that:

(1) has been in the lowest two (2) categories of school improvement for the last three (3) consecutive school years; or

(2) was operated by the school corporation as an innovation network (iNetwork) school before January 1, 2014.

Sec. 3. As used in this article, "innovation network school" is a school operated by a school management team under this article.

Sec. 4. As used in this article, "participating innovation network charter school" means a charter school whose organizer enters into

an agreement under IC 20-25.5-5 to have the charter school participate as an innovation network school.

Sec. 5. As used in this article, "school management team" means an entity responsible for the operations of an innovation network school within a school corporation.

Chapter 4. Establishment of Innovation Network Schools

Sec. 1. An innovation network school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

(1) Disability.
(2) Race.
(3) Color.
(4) Gender.
(5) National origin.
(6) Religion.
(7) Ancestry.

Sec. 2. (a) The board may enter into an agreement with a school management team to:

(1) except as provided in this subsection, establish an innovation network school within a vacant, underutilized, or underenrolled school building, as determined by the board; or
(2) reconstitute an eligible school as an innovation network school.

The board may not establish an innovation network school in the same building as a school described in subdivision (1) if the school was in the highest two (2) categories of school improvement in the most recent school year.

(b) The terms of the agreement shall specify the following:

(1) A statement that the innovation network school is considered to be part of the school corporation and not considered a separate local educational agency.
(2) A statement that the school management team authorizes the department to include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.
(3) The amount of state and federal funding, including tuition support, that will be distributed by the school corporation to the innovation network school.

(4) The performance goals and accountability metrics agreed upon for the innovation network school.

(5) Grounds for termination of the agreement, including the right of termination if the school management team fails to:

(A) comply with the conditions or procedures established in the agreement;

(B) meet generally accepted fiscal management and government accounting principles;

(C) comply with applicable laws; or

(D) meet the educational goals set forth in the agreement between the board and the school management team.

(c) If a school management team and the board enter into an agreement under subsection (a), the school management team and the board shall notify the department that an agreement has been made under this section within thirty (30) days of the agreement.

(d) Upon receipt of the notification under subsection (c), the department shall, for school years starting after the date of the agreement:

(1) include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; and

(2) treat the innovation network school in the same manner as a school operated by the school corporation when calculating the total amount of state and federal funding to be distributed to the school corporation.

Sec. 3. (a) For as long as the school management team operates the innovation network school:

(1) the school management team may use the school building, the accompanying real property, and the building's contents, equipment, and supplies, as provided in the agreement established in section 2 of this chapter; and

(2) the school corporation may:

(A) provide transportation for students attending the innovation network school; and

(B) maintain and repair the buildings and grounds consistent with the maintenance and repair to the school corporation's other buildings and grounds.

(b) If the school management team contracts with a school

corporation for goods or services, the school corporation may not charge the school management team more for the goods or services than the school corporation pays for the goods or services.

Sec. 4. (a) The school management team shall have full operational autonomy to run the innovation network school as provided in the agreement described in section 2 of this chapter.

(b) A school management team that operates an innovation network school under this chapter shall make all personnel decisions in the innovation network school. In operating the school as an innovation network school under this chapter, the school management team is not bound by a contract entered into by the board under IC 20-29. Employees of a school management team may organize and collectively bargain under IC 20-29.

(c) Individuals employed by the innovation network school are entitled to participate in either:

(1) the state teachers' retirement fund created by IC 5-10.4; or

(2) the public employees' retirement fund created by IC 5-10.3.

Sec. 5. (a) Except as otherwise provided in this article, the following do not apply to an innovation network school:

(1) An Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the state board.

(3) A rule or guideline adopted by the state board concerning teachers, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the agreement described in section 2 of this chapter.

(b) Except as otherwise provided in this article, the following statutes apply to an innovation network school:

(1) IC 20-24-8-5 (statutes applicable to charter schools).

(2) IC 20-30 (curriculum).

(3) IC 20-24-6 (employment of teachers and other personnel in charter schools).

(4) IC 20-28-11.5 (staff performance evaluations).

Sec. 6. Any student who lives in the attendance area served by a school that is operated as an innovation network school under

this chapter may attend the innovation network school. The innovation network school may not refuse enrollment to a student who lives in the attendance area.

Sec. 7. The school management team and the board shall hold a joint public meeting at least two (2) times each year to discuss issues and progress concerning the innovation network school.

Sec. 8. The board shall develop a program to provide support to teachers and administrators who wish to establish an innovation network school.

Sec. 9. During the initial year of implementation of this article by the board, the maximum number of eligible schools that may be reconstituted as innovation network schools may not exceed ten percent (10%) of the total number of schools operated by the school corporation.

Chapter 5. Participation of Charter School as an Innovation Network School

Sec. 1. Except as expressly provided in this article, a participating innovation network charter school remains subject to all state laws that govern charter schools.

Sec. 2. (a) Notwithstanding IC 20-26-7-1, the board may enter into an agreement with an organizer to establish a participating innovation network charter school within a vacant, underutilized, or underenrolled school building, as determined by the board.

(b) The terms of the agreement entered into between the board and an organizer shall specify the following:

(1) A statement that the organizer authorizes the department to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board.

(2) The amount of state funding, including tuition support, that will be distributed by the school corporation to the organizer.

(3) The performance goals and accountability metrics agreed upon for the charter school in the charter agreement between the organizer and the authorizer.

(c) If an organizer and the board enter into an agreement under subsection (a), the organizer and the board shall notify the department that the agreement has been made under this section

within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), the department shall, for school years starting after the date of the agreement:

(1) include the participating innovation network charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; and

(2) treat the participating innovation network charter school in the same manner as a school operated by the school corporation when calculating the total amount of state funding to be distributed to the school corporation.

Sec. 3. (a) For as long as the charter school remains a participating innovation network charter school, the school corporation may:

(1) provide transportation for students attending the participating innovation network charter school; and

(2) maintain and repair the buildings and grounds used by the participating innovation network charter school consistent with the maintenance and repair to the school corporation's other buildings and grounds.

(b) If an organizer contracts with a school corporation for goods or services, the school corporation may not charge the organizer more for the goods or services than the school corporation pays for the goods or services.

Sec. 4. An employee of a school corporation who provides services to a participating innovation network charter school under this article remains an employee of the school corporation.

SECTION 2. **An emergency is declared for this act.**

P.L.45-2014
[H.1323. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-44.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 44.5. EPINEPHRINE ADMINISTRATION PROGRAM

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Licensed campus medical professional" means any of the following individuals who are employed by or have contracted with a postsecondary educational institution and are designated by the postsecondary educational institution to serve in such a capacity under IC 21-44.5-2-2(b):

(1) A physician licensed under IC 25-22.5.

(2) A physician assistant licensed under IC 25-27.5.

(3) An advanced practice nurse or registered nurse who is licensed under IC 25-23.

Sec. 3. "Member of the campus community" refers to an individual who is a student, faculty member, or staff member of a postsecondary educational institution.

Sec. 4. "Trained designee" means a member of the campus community trained by a licensed campus medical professional in the emergency administration of auto-injectable epinephrine.

Chapter 2. Emergency Administration of Epinephrine Policies and Guidelines

Sec. 1. A postsecondary educational institution may develop a policy in accordance with this chapter and guidelines issued under

section 4 of this chapter for the emergency administration of auto-injectable epinephrine to a member of the campus community for anaphylaxis when a medical professional is not available.

Sec. 2. (a) A policy described in section 1 of this chapter must include the following:

(1) Permission for a trained designee to do the following:

(A) Under the guidance of a licensed campus medical professional, administer auto-injectable epinephrine to a member of the campus community for anaphylaxis when a licensed campus medical professional is unavailable.

(B) When responsible for the safety of at least one (1) member of the campus community, carry in a secure but accessible location a supply of auto-injectable epinephrine that is prescribed under a standing protocol from a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication.

(2) Provisions that a licensed campus medical professional has responsibility for training designees in the following:

(A) The administration of auto-injectable epinephrine.

(B) Identification of an anaphylactic reaction and indications for when to use epinephrine.

(b) Each postsecondary educational institution that develops a policy under this chapter shall designate a licensed campus medical professional.

(c) A licensed campus medical professional may do the following:

(1) Establish and administer a standardized training protocol for the emergency administration of epinephrine by trained designees.

(2) Ensure that trained designees have satisfactorily completed the training protocol.

(3) Obtain a supply of auto-injectable epinephrine under a standing protocol from a physician licensed under IC 25-22.5.

(4) Control distribution to trained designees of auto-injectable epinephrine.

Sec. 3. An individual must meet the following requirements in order to be a trained designee:

(1) Be at least eighteen (18) years of age.

(2) Have, or reasonably expect to have, responsibility for at

least one (1) other member of the campus community as a result of the individual's employment.

(3) Have satisfactorily completed the standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed under section 4 of this chapter.

Sec. 4. The state department of health, in consultation with the commission for higher education, shall establish guidelines for the development of a policy by a postsecondary educational institution for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is unavailable. In the emergency administration of epinephrine, the guidelines must address the responsibilities of the following:

(1) The postsecondary educational institution.

(2) The licensed campus medical professional.

(3) The trained designee.

Sec. 5. (a) A postsecondary educational institution may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine on the campus if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the postsecondary educational institution.

(b) The postsecondary educational institution shall store the auto-injectable epinephrine in a safe location in which only postsecondary educational institution personnel have access.

(c) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable epinephrine for the postsecondary educational institution.

(d) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable epinephrine issued in the name of a postsecondary educational institution.

Sec. 6. (a) A licensed campus medical professional who acts in accordance with this chapter is not liable for civil damages for any act or omission committed in accordance with this chapter unless the act or omission constitutes gross negligence or willful or

wanton misconduct.

(b) A trained designee who administers auto-injectable epinephrine in accordance with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(c) A licensed health care provider who writes a prescription, drug order, or protocol under this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

Sec. 7. Nothing in this chapter may be construed to:

(1) permit a trained designee to perform the duties or fill the position of a licensed campus medical professional;

(2) prohibit the administration of a pre-filled auto-injector of epinephrine by a person acting under a lawful prescription; or

(3) prevent a licensed and qualified member of a health care profession from acting within the individual's scope of practice in administering auto-injectable epinephrine.

SECTION 2. IC 34-30-2-86.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 86.4. IC 21-44.5-2-6 (Concerning licensed campus medical professionals, trained designees, and licensed health care providers and the administration of auto-injectable epinephrine).**

SECTION 3. **An emergency is declared for this act.**

P.L.46-2014
[S.330. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24.2-4-2, AS ADDED BY P.L.201-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) During each school year, a qualified district or qualified high school shall provide at least sixty-four thousand eight hundred (64,800) minutes of instruction and learning for grades 9 through 12.

(b) A qualified district or qualified high school is not required to provide at least one hundred eighty (180) student instructional days. However, the total number of minutes of instruction provided in a school year under subsection (a) may not be less than the greatest total number of minutes provided during any one (1) school year of the five (5) school years immediately preceding the school year.

(c) Student activities that:

(1) are organized by the qualified district or qualified high school;

(2) occur outside the traditional classroom; and

(3) are designed to provide instruction, ~~or~~ academic enrichment, **or college and career readiness training;**

are included as student instructional time under subsection (a).

SECTION 2. IC 20-30-10-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. Notwithstanding any other law, a high school may replace high school courses on the high school transcript with dual credit courses (as defined in IC 21-43-1-2.5) or advanced placement courses on the same subject matter with equal or greater rigor to the required high school course and may count such a course as satisfying academic honors or another special diploma requirement. A dual credit course must be authorized by an**

eligible institution (as described in IC 21-43-4-3.5) that is a member of a national dual credit accreditation organization, or the eligible institution must make assurances that the final assessment for the course given for dual credit under this section is substantially equivalent to the final assessment given in the college course in that subject.

SECTION 3. IC 21-12-8-2, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The commission shall do the following:

(1) Adopt rules under IC 4-22-2 governing the operation of the fund, including rules specifying the procedures that applicants must follow to appeal determinations made under subdivisions (3) and (4).

(2) Prescribe the form and manner in which applications for part-time student grants may be submitted.

(3) Determine the eligibility of applicants.

(4) Determine the amount of a part-time student grant awarded to a recipient.

(5) Award part-time student grants totaling at least fifty percent (50%) of the available appropriation each fiscal year to students who are identified by the commission as:

(A) financially independent from their parents; and

(B) pursuing a program of study that will lead to a specific high demand, high wage job.

(6) Submit not later than November 1, 2014, to the legislative council, in an electronic format under IC 5-14-6, a report that includes the following:

(A) The size of student populations in Indiana that:

(i) attend a postsecondary educational institution part-time; or

(ii) combine part-time and full-time enrollment in a postsecondary educational institution.

(B) The financial need of the student populations described in clause (A).

(C) The completion rates of the student populations described in clause (A).

(D) Recommendations for increasing the completion rates of the student populations described in clause (A) by using

financial support and student incentives.

SECTION 4. IC 21-13-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10. Teacher Loan Repayment Program and Fund

Sec. 1. As used in this chapter, "critical shortage area" means a geographic area determined annually by the department of education established by IC 20-19-3-1 to have, or projected within the next twelve (12) months to have, a shortage of licensed, full-time elementary or high school teachers.

Sec. 2. As used in this chapter, "fund" refers to the teacher loan repayment fund established by section 3 of this chapter.

Sec. 3. (a) The teacher loan repayment fund is established.

(b) The purpose of the fund is to attract qualified teachers who:

(1) graduated from an accredited Indiana high school after June 30, 2014, and either:

(A) were in the highest twenty percent (20%) of students in their high school graduating classes; or

(B) received scores in the top twentieth percentile on the SAT or ACT examination;

(2) graduated from a four (4) year postsecondary educational institution with at least a 3.5 grade point average on a 4.0 scale or its equivalent; and

(3) teach, for at least three (3) consecutive years in public schools in Indiana:

(A) science, technology, engineering, mathematics, or special education classes; or

(B) in a critical shortage area;

by granting loan repayment assistance authorized under this chapter to eligible applicants.

(c) The fund consists of appropriations to the fund and gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.

(d) The fund shall be administered by the commission. The expenses of administering the fund shall be paid from money in the fund.

(e) Loan repayment assistance payments shall be made from the fund by the treasurer of state upon a warrant issued by the auditor of state in accordance with rules adopted by the commission.

Sec. 4. The commission shall receive and consider all applications for loan repayment assistance received from qualified teachers with outstanding guaranteed student loans made, issued, or guaranteed under a program authorized by Title IV of the federal Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

Sec. 5. (a) To qualify for loan repayment assistance for student loans under this chapter, an applicant must:

(1) hold a license to teach under IC 20-28-5;

(2) agree in writing to the employment requirements set forth in section 7 of this chapter; and

(3) meet any additional criteria established by the commission.

(b) At the end of the third consecutive school year in which a teacher who qualifies under subsection (a) has taught, the commission shall pay directly to the financial institution that holds the qualified teacher's student loans an amount not to exceed the lesser of:

(1) the total principal and interest of the guaranteed student loans owed by the teacher at the end of the third year; or

(2) an amount determined by the commission based on the funds appropriated to the program;

which must be used to reduce the principal and interest on a guaranteed student loan owed by that qualified teacher.

(c) The commission may pay a qualified teacher's student loans under subsection (b) only if the following requirements are met:

(1) The qualified teacher received the student loans for an undergraduate degree that was necessary for either the subject area in which the qualified teacher teaches or for the qualified teacher to receive a teaching license.

(2) The qualified teacher's repayment of the loans is current at the time the commission makes the payment under subsection (b).

The requirements under this subsection are in addition to the requirements set forth in section 7 of this chapter.

Sec. 6. A qualified teacher must apply for a loan repayment on a form supplied by the commission. The commission shall consider each application and determine the eligibility of the applicant for the loan repayment assistance.

Sec. 7. (a) Before being granted loan repayment assistance

under this chapter, a teacher must:

(1) apply for the loan repayment assistance not later than twenty-four (24) months after graduating from a postsecondary educational institution; and

(2) enter into a contract with the commission agreeing to the terms and conditions upon which the loan repayment assistance will be granted to the teacher.

(b) As a condition of being granted loan repayment assistance under this chapter, a teacher must agree to employment for a period of at least three (3) consecutive years as a licensed teacher in a public school in Indiana in science, technology, engineering, mathematics, or special education, or in a critical shortage area. The teacher is not required to teach at the same public school for three (3) consecutive years.

(c) Service rendered by a teacher in a public school before the teacher becomes a participant in the program may not be considered to have fulfilled the employment commitment required by subsection (b).

Sec. 8. A teacher is eligible to receive loan repayment assistance under this chapter only if an appropriation has been made to carry out the specific purposes of this chapter.

Sec. 9. The commission shall maintain complete and accurate records in implementing the fund, including records of the following:

(1) The receipt, disbursement, and uses of money from the fund.

(2) The number of applications for loan repayment assistance.

(3) The number and amount of loans for which loan repayment assistance has been provided by the department.

(4) Other pertinent information requested by the commission.

Sec. 10. The commission may adopt rules under IC 4-22-2 necessary to carry out this chapter, including rules governing the enforcement of any employment requirements.

SECTION 5. IC 21-18.5-4-3, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. For purposes of administering this chapter, the commission shall do the following:

(1) Prepare and supervise the issuance of public information concerning this chapter, IC 21-12-2, IC 21-12-3, IC 21-12-4, and

IC 21-12-5.

(2) Prescribe the form and regulate the submission of applications for higher education awards and the commission's programs.

(3) Conduct conferences and interviews with applicants as appropriate.

(4) Determine the eligibility of applicants.

(5) Select qualified applicants.

(6) Determine annually the maximum higher education award (IC 21-12-3) and freedom of choice award (IC 21-12-4), subject to approval by the budget agency with review by the budget committee.

(7) Determine the respective amounts of, and award, the appropriate higher education awards, grants, and scholarships.

(8) Determine eligibility for, and award, annual renewals of higher education awards, grants, and scholarships.

(9) Act as the designated state agency for participation in any federal program for reinsurance of student loans.

(10) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

(11) One (1) time every year, submit a report to the legislative council that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12-6 and IC 21-12-6.5. The report made to the legislative council must be in an electronic format under IC 5-14-6.

(12) One (1) time every year, submit a report to the budget committee that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12, IC 21-13, and IC 21-14.

(13) Administer and determine the eligibility of applicants for, and award amounts under, the teacher loan repayment program established under IC 21-13-10.

SECTION 6. IC 22-4.1-4-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) This section applies to state fiscal years beginning after June 30, 2014.**

(b) The council shall allocate as provided in this section a percentage of the funds made available to Indiana under the

Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) for adult and dislocated worker training described in 29 U.S.C. 2864(d)(4)(D) for performance based funding training.

(c) The following conditions apply to amounts awarded under subsection (b):

(1) Only a provider approved by the council is eligible to provide the performance based funding training described in subsection (b), with priority given to a provider that assists in job placement activities after the training is completed.

(2) The council shall establish performance based funding criteria for eligible training providers.

(3) Training is limited to training that leads to occupations:

(A) that the department has categorized as high demand, high wage jobs; and

(B) that are tied to existing employer demand in the region in which the training is offered.

(4) Training must be available to eligible individuals who have received a high school diploma or equivalency certificate.

(5) Training is limited to training that leads to:

(A) industry recognized credentials as designated by the department; or

(B) associate degrees.

(d) The department shall report to the Indiana workforce intelligence system established by IC 22-4.5-10-3 the following data for each individual who receives training provided under this section:

(1) The name and address of the training provider.

(2) The amount of funding that was provided for the training.

(3) The outcome or results of the training, including any license, credential, or degree awarded, or the job obtained by the individual.

P.L.47-2014
[H.1028. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-24-1-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. "Adult high school" refers to a charter school that has a majority of students enrolled with the school that:**

(1) belong to a graduation cohort that has already graduated; or

(2) are over the age of eighteen (18) years of age;

at the time the student was first enrolled at the school.

SECTION 2. IC 20-24-2.1-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. (a) Except as provided in subsection (b), a charter may not be granted after the effective date of this section by the charter board or any other sponsor or authorizer for a charter school that will serve students who:~~

~~(1) are at least twenty (20) years of age; and~~

~~(2) have dropped out of high school before receiving a diploma.~~

~~(b) Charters may be granted by the mayor of Indianapolis before July 1, 2013, for not more than three (3) Christel House Academies that will serve students described in subsection (a).~~

SECTION 3. IC 20-24-3-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 18.5. (a) Notwithstanding IC 20-24-1-2.5 and except as provided in subsection (b), an adult high school as defined in IC 20-24-1-2.3 may only be authorized by the charter board.**

(b) This section does not prohibit the mayor of Indianapolis from renewing a charter of an adult high school that was initially authorized by the mayor of Indianapolis prior to July 1, 2014.

SECTION 4. IC 20-24-4-1, AS AMENDED BY P.L.280-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by an authorizer and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years; and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the authorizer and the organizer agree to renew the charter.

(C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.

(D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:

(i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(ii) describe improvements undertaken or planned for the charter school; and

(iii) detail the charter school's plans for the next charter term.

(E) Not later than October 1 in the year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal shall submit a renewal application to the charter authorizer under the renewal application guidance issued by the authorizer. The authorizer

shall make a final ruling on the renewal application not later than March 1 after the filing of the renewal application. The March 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.

(7) Specify the grounds for the authorizer to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in:

(i) assessment measures, including the ISTEP and end of course assessments;

(ii) attendance rates;

(iii) graduation rates (if appropriate);

(iv) increased numbers of Core 40 diplomas and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);

(v) increased numbers of academic honors and technical honors diplomas (if appropriate);

(vi) student academic growth;

(vii) financial performance and stability; and

(viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the authorizer and the organizer may amend the

charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:

(A) begin school operations; and

(B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

(16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:

(A) that the school will offer flexible scheduling;

(B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;

(C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3; and

(D) a plan:

(i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and

(ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

(b) A charter school shall set annual performance targets in

conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.

SECTION 5. IC 20-24-7-4, AS AMENDED BY P.L.205-2013, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to an authorizer that is a state educational institution described in IC 20-24-1-2.5(2). **Except as provided in subsection (f),** in a state fiscal year, a state educational institution may receive from the organizer of a charter school authorized by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year from basic tuition support (as defined in IC 20-43-1-8).

(c) This subsection applies to the executive of a consolidated city that authorizes a charter school. **Except as provided in subsection (f),** in a state fiscal year, the executive may collect from the organizer of a charter school authorized by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year for basic tuition support.

(d) This subsection applies to an authorizer that is a nonprofit college or university that is approved by the state board of education. **Except as provided in subsection (f),** in a state fiscal year, a private college or university may collect from the organizer of a charter school authorized by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year for basic tuition support.

(e) This subsection applies to the charter board. **Except as provided in subsection (f),** in a state fiscal year, the charter school board may collect from the organizer of a charter school authorized by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the state fiscal year for basic tuition support.

(f) This subsection applies to an adult high school. An authorizer described in subsections (b) through (e) may collect an

administrative fee equal to not more than three percent (3%) of the total state appropriation to the adult high school for a state fiscal year under section 13.5 of this chapter.

~~(f)~~ **(g)** An authorizer's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the authorizer. The authorizer shall use its funding provided under this section exclusively for the purpose of fulfilling authorizing obligations.

~~(g)~~ **(h)** Except for oversight services, a charter school may not be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

~~(h)~~ **(i)** A charter school may choose to purchase services from its authorizer. In that event, the charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the authorizer and any service fees to be charged to the charter school. An authorizer may not charge more than market rates for services provided to a charter school.

~~(i)~~ **(j)** Not later than ninety (90) days after the end of each fiscal year, each authorizer shall provide to each charter school it authorizes an itemized accounting of the actual costs of services purchased by the charter school from the authorizer. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

SECTION 6. IC 20-24-7-13.5, AS ADDED BY P.L.205-2013, SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.5. (a) This section applies to the following charter schools:

(1) The Excel Centers for Adult Learners that is located in Indianapolis, is sponsored or authorized by the mayor of Indianapolis, and that is operating as of May 1, 2013.

(2) The Anderson Excel Center that is sponsored or authorized by the charter board and that is operating as of May 1, 2013.

(3) The Christel House Academy DOR center that is located in

Indianapolis, is sponsored or authorized by the mayor of Indianapolis, and that is operating as of May 1, 2013.

(4) The Excel Centers for Adult Learners located in Kokomo, Lafayette, and Richmond that are sponsored or authorized by the charter board and that are scheduled to begin operating not later than fall 2013, and the Excel Center for Adult Learners located in Indianapolis (Lafayette Square) that is sponsored or authorized by the mayor of Indianapolis and that is scheduled to begin operating not later than fall 2013.

(5) The Gary Middle College charter school that is sponsored or authorized by Ball State University, that includes students who are twenty-two (22) years of age and older, and that is operating as of May 1, 2013.

(b) Notwithstanding any other law, for state fiscal years beginning after June 30, 2013, a charter school described in subsection (a) is entitled to receive funding from the state in an amount equal to the product of:

(1) the charter school's number of students (expressed as full-time equivalents); multiplied by

(2) six thousand six hundred dollars ($6,600).

However, in the case of the charter school described in subsection (a)(5), the funding under this section applies only for those students who are twenty-two (22) years of age and older.

(c) A charter school described in subsection (a) is entitled to receive federal special education funding.

(d) ~~A charter school that is granted a charter as described in IC 20-24-2.1-5(b) is not~~ **A Christel House Academy that, before July 1, 2013, was granted a charter by the mayor of Indianapolis to establish an adult high school may be** entitled to state funding **after June 30, 2015, if the adult high school was not in operation on May 1, 2013.**

(e) The state funding under this section shall be paid each state fiscal year under a schedule set by the budget agency and approved by the governor. However, the schedule shall provide for at least twelve (12) payments, that one (1) payment shall be made at least every forty (40) days, and the aggregate of the payments in each state fiscal year shall equal the amount required under this section. However, if the appropriations for this purpose are insufficient, the distributions to each

recipient shall be reduced proportionately.

(f) This section expires July 1, 2015.

SECTION 7. IC 20-24-7-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. Except as provided in section 13.5 of this chapter, notwithstanding any other law, for state fiscal years beginning after June 30, 2014, an adult high school is not entitled to receive funding from the state, including any tuition support, unless the general assembly enacts an appropriation for the adult high school.**

SECTION 8. IC 20-31-8-5.2, AS ADDED BY SEA 24-2014, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.2. **(a)** The state board shall establish an alternative accountability system to assess the performance of **an adult high school.** ~~a charter school that is sponsored by the Indiana charter school board established by IC 20-24-2.1-1 and designated as a recovery school or an accelerated learning center.~~ **The system shall:**

(1) establish rigorous academic outcomes criteria;

(2) measure college and career readiness outcomes for each graduate;

(3) measure student accomplishments and success after graduation for a period of time as determined by the state board; and

(4) require that a substantial majority of graduates who receive waiver diplomas must also be on track to receive or have already received an industry certification that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3.

(b) An adult high school is subject to the alternative accountability system developed by the state board under subsection (a).

P.L.48-2014
[H.1064. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 22-4.5-9-4, AS AMENDED BY SEA 24-2014, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market.

(3) Provide administrative oversight of the system.

(4) In addition to the department's annual report provided under IC 22-4-18-7, submit, not later than August 1, 2013, and not later than ~~August 1~~ **November 1** each year thereafter, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's education, job skills development, and career training system.

The inventory must provide at least the information listed in IC 22-4-18-7(a)(1) through IC 22-4-18-7(a)(5) for each activity in the inventory.

(5) Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than

December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

(A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.

(B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).

(C) Proposed changes to address both:

(i) the shortage of qualified workers for current employment opportunities; and

(ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.

(6) Complete, not later than August 1, 2014, a return on investment and utilization study of career and technical education programs in Indiana. The study conducted under this subdivision must include at least the following:

(A) An examination of Indiana's career and technical education programs to determine:

(i) the use of the programs; and

(ii) the impact of the programs on college and career readiness, employment, and economic opportunity.

(B) A survey of the use of secondary, college, and university facilities, equipment, and faculty by career and technical education programs.

(C) Recommendations concerning how career and technical education programs:

(i) give a preference for courses leading to employment in high wage, high demand jobs; and

(ii) add performance based funding to ensure greater competitiveness among program providers and to increase completion of industry recognized credentials and dual credit courses that lead directly to employment or postsecondary study.

~~(6)~~ **(7)** Coordinate the performance of its duties under this chapter with:

(A) the education roundtable established by IC 20-19-4-2; and

(B) the Indiana works councils established ~~under SEA 465-2013.~~ **by IC 20-19-6-4.**

(b) In performing its duties, the council shall obtain input from the following:

(1) Indiana employers and employer organizations.

(2) Public and private institutions of higher education.

(3) Regional and local economic development organizations.

(4) Indiana labor organizations.

(5) Individuals with expertise in career and technical education.

(6) Military and veterans organizations.

(7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.

(8) Individuals and organizations with expertise in the logistics industry.

(9) Any other person or organization that a majority of the voting members of the council ~~determine~~ **determines** has information that is important for the council to consider.

SECTION 2. **An emergency is declared for this act.**

P.L.49-2014

[H.1213. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-6-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) As used in this section, "career council" refers to the Indiana career council established by**

IC 22-4.5-9-3.

(b) As used in this section, "subcommittee" means the subcommittee appointed under subsection (d).

(c) The subcommittee shall, before October 1, 2015:

(1) review the current Core 40 diploma course offerings, including types of courses and diplomas offered;

(2) make recommendations to the state board concerning:

(A) changing course requirements for the Core 40 diploma, which may include the total number of academic credits required;

(B) changing the types of diplomas offered; and

(C) the need for a career and technical education diploma; and

(3) examine and make recommendations concerning career and technical education offerings.

The state board shall take action concerning the recommendations before December 1, 2015.

(d) The career council shall appoint a subcommittee to develop the requirements for the career and technical education diploma required by subsection (c). The career council shall designate a member to serve as chairperson of the subcommittee. The subcommittee is composed of at least fourteen (14) members, including the following:

(1) One (1) member from each council.

(2) One (1) member who is a director of high school career and technical education programs, who shall serve as vice chairperson of the subcommittee.

(3) One (1) member who is employed by the department and whose job duties include career and technical education curricula development.

(4) One (1) member representing the state's community college system.

(5) One (1) member representing the state's industrial community.

(6) One (1) member representing the commission for higher education.

(e) In performing its duties under subsection (d), the subcommittee shall obtain, in the manner and to the extent the subcommittee determines appropriate, input from licensed

mathematics and English/language arts educators in Indiana.

(f) The subcommittee may design new curricula or create new courses in completing the recommendations required by subsection (c). A curriculum or course developed under this subsection must include input from representatives of:

(1) high school career and technical education programs;

(2) licensed mathematics and English/language arts educators;

(3) community colleges; and

(4) universities.

(g) The requirements for a diploma developed under this section must:

(1) require a minimum of forty (40) academic credits or the equivalent for graduation;

(2) be designed so that completed courses may be used to fulfill the requirements established for other high school diplomas approved by the state board; and

(3) meet the college and career readiness education standards adopted by the state board under IC 20-19-2-14.5(c).

(h) Before the state board may take action on the recommendations made under subsection (c), the state board shall consult with and receive recommendations from the career council and the commission for higher education. Based upon the recommendations of the subcommittee, career council, and the commission for higher education, the state board may approve a career and technical education diploma or change the requirements for a Core 40 diploma.

SECTION 2. IC 20-30-10-4, AS ADDED BY P.L.185-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Each high school must provide at least two (2) of each of the following course offerings: ~~to high school students who qualify to enroll in the courses:~~

(1) Dual credit.

(2) Advanced placement.

SECTION 3. IC 21-43-4-15, AS AMENDED BY P.L.268-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Except as provided in subsection (b), a student is entitled to receive postsecondary credit toward meeting the

degree requirements at the eligible institution offering a postsecondary enrollment opportunity upon the student's successful completion of a course.

(b) This subsection applies to a course taught in a high school setting in which a student enrolls after June 30, 2014. A student must achieve at least the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, in order for the student to ~~receive postsecondary credit for the course.~~ **enroll in subsequent related dual credit course work in the same subject area.** ~~If the student achieves less than the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution.~~

SECTION 4. **An emergency is declared for this act.**

P.L.50-2014
[S.32. Approved March 24, 2014.]

AN ACT concerning public officials.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate study committee all aspects of the topic of bonding of elected public officials, including any constitutional issues that might be related to requiring elected officials to be bonded.**

(b) This SECTION expires January 1, 2015.

SECTION 2. **An emergency is declared for this act.**

P.L.51-2014
[S.36. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

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

SECTION 1. IC 29-1-7-4.5, AS ADDED BY P.L.6-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. **(a)** Except as provided in **subsection (b) and** section 4 of this chapter, each petition or other document that a personal representative files in the court with:

(1) a written consent to the petition or other document; or

(2) a written waiver of notice of proceedings in the estate;

must contain a statement that the personal representative has delivered a copy of the petition or other document to each person whose written consent or waiver of notice of proceedings is presented to the court in support of the petition or other document.

(b) A petition or other document described in subsection (a) is not required to contain the statement of delivery otherwise required by subsection (a) if the written consent or written waiver filed with the petition or other document contains a statement by the person whose signature appears on the consent or waiver:

(1) identifying the petition or other document; and

(2) affirming that the person has:

(A) received a copy of the petition or other document; and

(B) had a reasonable time to read and understand the nature of the petition or other document before signing the consent or waiver.

(c) A person may appoint in writing an agent (who is not an interested person) to do the following under this section:

(1) Consent to petitions and other documents.

(2) Receive or waive notice of proceedings.

SECTION 2. IC 29-1-7-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. **(a)** When an action is brought to contest the validity of any will as provided in this article, notice is served upon the defendants in the same manner as required by the Indiana Rules of Trial Procedure.

(b) A contesting party shall also serve a copy of the complaint on the counsel of record, if any, for the personal representative. The court may not enter a default judgment for the contesting party unless proof of service on the counsel for the personal representative is made to the court.

SECTION 3. IC 29-1-8-1, AS AMENDED BY P.L.61-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

(1) indebted to the decedent; or

(2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a ~~person~~ **distributee** claiming to be entitled to payment or delivery of property of the decedent **as alleged in the affidavit.**

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the ~~claimant~~ **distributee** and must state the following:

(1) That the value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed fifty thousand dollars ($50,000).

(2) That forty-five (45) days have elapsed since the death of the decedent.

(3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

(4) The name and address of each ~~other person~~ **distributee** that is entitled to a share of the property and the part of the property to which each ~~person~~ **distributee** is entitled.

(5) That the ~~claimant~~ **affiant** has notified each ~~person~~ **distributee** identified in the affidavit of the ~~claimant's~~ **affiant's** intention to present an affidavit under this section.

(6) That the ~~claimant~~ **affiant** is entitled to payment or delivery of the property on behalf of each ~~person~~ **distributee** identified in the affidavit.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a ~~claimant~~ **distributee** upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

SECTION 4. IC 29-1-8-4.5, AS AMENDED BY P.L.61-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. **(a)** ~~The person claiming to be~~ **A distributee** entitled to payment or delivery of the property belonging to the decedent **or someone acting on a distributee's behalf** may present to the court having jurisdiction over the decedent's estate an affidavit containing a statement of the conditions required under ~~section (1)(b)~~ **section 1(b)** of this chapter. Upon receipt of the affidavit, the court may, without notice and hearing, enter an order that the ~~claimant is~~ **distributees identified in the affidavit are** entitled to payment or

delivery of the property.

(b) A court may, upon notice and hearing, award attorney's fees and costs to a person bringing an action under subsection (a) if the person indebted to the decedent or holding property of the decedent, other than an insurer regulated under IC 27:

(1) acted in bad faith in refusing to pay or deliver the property belonging to the decedent; or

(2) refused to respond within thirty (30) business days after receiving an affidavit from the person bringing an action under this section, if the affidavit is consistent with section 1 of this chapter.

(c) A court may, upon notice and hearing, award attorney's fees and costs to a person bringing an action under subsection (a) against an insurer regulated under IC 27 if:

(1) the insurer failed to respond pursuant to IC 27 after receiving an affidavit from the person; and

(2) the affidavit is consistent with section 1 of this chapter.

SECTION 5. IC 29-1-13-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 17. (a) If a person fails to comply with a personal representative's written demand or instruction that is consistent with this article regarding the property of the decedent, the personal representative may bring an enforcement proceeding to compel compliance with the written demand or instruction.**

(b) A court may award attorney's fees and costs to the estate in an enforcement proceeding under subsection (a) if the person indebted to the decedent or holding property of the decedent, other than an insurer regulated under IC 27:

(1) acted in bad faith in failing to comply with the written demand or instruction; or

(2) refused to respond to the written demand or instruction within thirty (30) business days after receiving the demand or instruction, if the demand or instruction is consistent with this article.

(c) A court may, upon notice and hearing, award attorney's fees and costs to an estate bringing an enforcement proceeding under subsection (a) against an insurer regulated under IC 27 if:

(1) the insurer failed to respond pursuant to IC 27 after receiving a written demand or instruction from the personal

representative; and

(2) the written demand or instruction is consistent with this article.

SECTION 6. IC 29-1-17-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a) As used in this section, "lien" refers to a mortgage, pledge, security interest, or other lien.**

(b) When any real or personal property subject to a ~~mortgage, pledge or other~~ lien is specifically devised, the devisee shall take ~~such property so~~ **the** devised **property** subject to ~~such mortgage~~ **the lien** unless the will provides expressly or by necessary implication that ~~such mortgage~~ **the lien** be otherwise paid. If ~~a mortgagee~~ **the holder of a lien** receives payment on a claim based upon the obligation secured by ~~such mortgage,~~ **the lien,** the devise which was subject to ~~such mortgage~~ **the lien** shall be charged with the reimbursement to the estate of the amount of ~~such~~ **the** payment for the benefit of the distributees entitled ~~thereto.~~ **to the devise, unless the will provides expressly or by necessary implication that the payment be charged against the residue of the estate.**

(c) For purposes of this section, a general directive in a will to pay debts does not imply an intent that a devise of property subject to a lien be distributed free from the lien.

SECTION 7. IC 29-3-9-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) This section applies only to a guardianship of the property of a minor or an incapacitated adult.**

(b) If a third party fails to comply with a guardian's written demand or instruction that:

(1) was issued within the scope of the guardian's authority; and

(2) is consistent with this article;

the guardian may bring an enforcement proceeding to compel compliance in the court having jurisdiction over the guardianship.

(c) A court may award attorney's fees and costs to the guardian in an enforcement proceeding under subsection (b), if the person indebted to the guardianship estate or holding property of the guardianship estate:

(1) acted in bad faith in failing to comply with the guardian's

written demand or instruction; or

(2) refused to respond within ten (10) business days after receiving the guardian's written demand or instruction, if the demand or instruction is consistent with this article.

SECTION 8. IC 30-2-14-0.1, AS ADDED BY P.L.220-2011, SECTION 486, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.1. (a) This chapter applies to **the following:**

(1) Every trust ~~or decedent's estate~~ existing on or created after January 1, 2003, except as otherwise expressly provided **in this chapter or by the terms of the trust.**

~~(1) in the decedent's will;~~

~~(2) by the terms of the trust; or~~

~~(3) in this chapter.~~

(2) Every decedent's estate existing on or created after January 1, 2003, to the extent that under other applicable law or the decedent's will, the personal representative of the estate is required or allowed to account for and distribute income received during administration of the estate separately from the corpus.

(b) The amendments made to section 31 of this chapter by P.L.143-2009 apply to a trust described in section 31(h) of this chapter, on and after the following dates:

(1) If the trust is not funded as of July 1, 2009, the date of the decedent's death.

(2) If the trust is initially funded in the calendar year beginning January 1, 2009, the date of the decedent's death.

(3) If the trust is not described in subdivision (1) or (2), January 1, 2009.

(c) The amendments made to this section and to sections 3, 12, 14, 18, 19, 20, 21, and 38 of this chapter and the addition of section 13.5 of this chapter by legislation enacted in the 2014 regular session of the general assembly apply to the following:

(1) The estate of a decedent dying on or after July 1, 2013.

(2) In the case of a trust existing on or created after January 1, 2003:

(A) to the principal and income receipts of the trust; and

(B) to distributions received and made by the trust before,

on, or after July 1, 2013.

SECTION 9. IC 30-2-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter, "fiduciary" means **the following:**

(1) A personal representative, **including an executor, an administrator, a successor personal representative, a special administrator, or a person performing substantially the same function with respect to a decedent's estate that meets the requirements of section 13.5 of this chapter.** ~~or~~

(2) A trustee.

~~The term includes an executor, an administrator, a successor personal representative, a special administrator, and a person performing substantially the same function.~~

SECTION 10. IC 30-2-14-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. As used in this chapter, "terms of a trust" means the manifestation of the intent of:

(1) a settlor **with respect to a trust;** or

(2) a decedent with respect to ~~the~~ **a** trust **established under the decedent's will;**

expressed in a manner that admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct.

SECTION 11. IC 30-2-14-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13.5. A personal representative, including an executor, an administrator, a successor personal representative, a special administrator, or a person performing substantially the same function with respect to a decedent's estate, is a fiduciary for purposes of this chapter if:**

(1) under the terms of a decedent's will this chapter applies to the administration of the estate; or

(2) under other applicable law, the personal representative is required or allowed to account for and distribute income received during administration of the estate separately from the corpus of the estate.

SECTION 12. IC 30-2-14-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The following applies to a fiduciary in allocating receipts and disbursements to or between principal and income, and with respect to any matter within

the scope of this chapter:

(1) A fiduciary shall administer a trust or estate in accordance with the terms of the trust or the will, even if there is a different provision in this chapter.

(2) A fiduciary may administer a trust or estate by the exercise of a discretionary power of administration given to the fiduciary by the terms of the trust or the will, even if the exercise of the power produces a result different from a result required or permitted by this chapter. An inference that the fiduciary has improperly exercised the discretion does not arise from the fact that the fiduciary has made or has not made an allocation contrary to a provision of this chapter.

(3) A fiduciary shall administer a trust ~~or an estate~~ in accordance with this chapter if the terms of the trust ~~or the will~~ do not contain a different provision or do not give the fiduciary a discretionary power of administration.

(4) A fiduciary shall add a receipt or charge a disbursement to principal to the extent that the terms of the trust or the will and this chapter do not provide a rule for allocating the receipt or disbursement to or between principal and income.

(b) In exercising the power to adjust under section 15 of this chapter or a discretionary power of administration regarding a matter within the scope of this chapter, whether granted by the terms of a trust, a will, or this chapter, a fiduciary shall administer a trust or an estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest an intention that the fiduciary shall or may favor one (1) or more of the beneficiaries. A determination in accordance with this chapter is presumed to be fair and reasonable to all of the beneficiaries.

SECTION 13. IC 30-2-14-18, AS AMENDED BY P.L.61-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. **(a)** After an income interest in a trust ends, the following rules apply:

(1) A fiduciary of a terminating income interest shall determine the amount of net income and net principal receipts received from property specifically given to a beneficiary under the rules in sections 20 through 43 of this chapter that apply to trustees and the rules in subdivision (5). The fiduciary shall distribute the net

income and net principal receipts to the beneficiary who is to receive the specific property.

(2) A fiduciary shall determine the remaining net income of a terminating income interest under the rules in sections 20 through 43 of this chapter that apply to trustees and by:

(A) including in net income all income from property used to discharge liabilities;

(B) paying from income or principal, in the fiduciary's discretion:

(i) fees of attorneys, accountants, and fiduciaries;

(ii) court costs and other expenses of administration; and

(iii) interest on death taxes;

but the fiduciary may pay those expenses from income of property passing to a trust for which the fiduciary claims an estate tax marital or charitable deduction only to the extent that the payment of those expenses from income will not cause the reduction or loss of the deduction; and

(C) paying from principal all other disbursements made or incurred in connection with the winding up of a terminating income interest, including debts; funeral expenses; disposition of remains; family allowances; and death taxes and related penalties that are apportioned to the terminating income interest by the terms of the trust or applicable law.

(3) If a beneficiary is to receive a pecuniary amount outright from a trust after an income interest ends and no interest or other amount is provided for by the terms of the trust or applicable law, the fiduciary shall distribute the interest or other amount to which the beneficiary would be entitled under applicable law if the pecuniary amount were required to be paid under a will.

(4) A fiduciary shall distribute the net income remaining after distributions required by subdivision (3) in the manner described in section 19 of this chapter to all residuary beneficiaries, even if the beneficiary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust.

(5) A fiduciary may not reduce principal or income receipts from property described in subdivision (1) because of a payment described in section 38 or 39 of this chapter to the extent that the

~~will, the~~ terms of the trust or applicable law requires the fiduciary to make the payment from assets other than the property or to the extent that the fiduciary recovers or expects to recover the payment from a third party. The net income and principal receipts from the property are determined by:

(A) including all of the amounts the fiduciary receives or pays with respect to the property, whether those amounts

~~(i)~~ accrued or became due before, on, or after the date of ~~an individual's death; or~~

~~(ii)~~ an income interest's terminating event; and

(B) making a reasonable provision for amounts that the fiduciary believes the terminating income interest may become obligated to pay after the property is distributed.

(b) For purposes of this section, the interest of a settlor in a revocable living trust ends and becomes a terminating income interest when the settlor dies. Property that:

(1) becomes part of the trust by reason of the settlor's death; or

(2) is distributed to the trust from the settlor's estate;

becomes part of the terminating income interest when the property is received by the trust.

(c) For purposes of this section, a decedent's estate is not a terminating income interest.

SECTION 14. IC 30-2-14-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Each beneficiary described in section ~~18(4)~~ **18(a)(4)** of this chapter is entitled to receive a portion of the net income equal to the beneficiary's fractional interest in undistributed principal assets, using values as of the distribution date. If a fiduciary makes more than one (1) distribution of assets to beneficiaries to whom this section applies, each beneficiary, including a beneficiary who does not receive part of the distribution, is entitled, as of each distribution date, to the net income the fiduciary has received after the date of death or terminating event or earlier distribution date but has not distributed as of the current distribution date.

(b) In determining a beneficiary's share of net income, the following rules apply:

(1) The beneficiary is entitled to receive a portion of the net

income equal to the beneficiary's fractional interest in the undistributed principal assets immediately before the distribution date, including assets that later may be sold to meet principal obligations.

(2) The beneficiary's fractional interest in the undistributed principal assets must be calculated without regard to property specifically given to a beneficiary and property required to pay pecuniary amounts not in trust.

(3) The beneficiary's fractional interest in the undistributed principal assets must be calculated on the basis of the aggregate value of those assets as of the distribution date without reducing the value by any unpaid principal obligation.

(4) The distribution date for purposes of this section may be the date as of which the fiduciary calculates the value of the assets if that date is reasonably near the date on which assets are actually distributed.

(c) If a fiduciary does not distribute all of the collected but undistributed net income to each person as of a distribution date, the fiduciary shall maintain appropriate records showing the interest of each beneficiary in that net income.

(d) A fiduciary may apply the rules in this section, to the extent that the fiduciary considers it appropriate, to net gain or loss realized after the date of death or terminating event or earlier distribution date from the disposition of a principal asset if this section applies to the income from the asset.

SECTION 15. IC 30-2-14-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) An income beneficiary is entitled to net income from the date on which the income interest begins. An income interest begins on the date specified in the terms of the trust or, if no date is specified, on the date an asset becomes subject to a trust or successive income interest.

(b) An asset becomes subject to a trust **on the following dates:**

(1) On the date ~~it~~ **the asset** is transferred to the trust, in the case of an asset that is transferred to a trust during the transferor's life.

(2) On the date the asset is distributed to the trust from the decedent's estate, if the income received during the administration of the estate was accounted for and distributed by the estate as part of the corpus of the estate in accordance

with IC 29-1-17-7.

~~(2)~~ **(3)** On the date of ~~a testator's~~ **the decedent's** death ~~in the case of an asset that becomes subject to a trust by reason of a will, even if there is an intervening period of~~ **if, under the terms of the decedent's will or other applicable law, income received during** administration of the ~~testator's~~ **decedent's** estate ~~or~~ **was accounted for and distributed by the estate as income, and not as part of the corpus of the estate.**

~~(3)~~ **(4)** On the date of an individual's death, in the case of an asset **that is not part of the probate estate (as defined in IC 29-1-1-3) and** that is transferred to a ~~fiduciary by a third party~~ **trust or becomes a part of a trust** because of the individual's death.

(c) An asset becomes subject to a successive income interest on the day after the preceding income interest ends, as determined under subsection (d), even if there is an intervening period of administration to wind up the preceding income interest.

(d) An income interest ends on the day before an income beneficiary dies or another terminating event occurs, or on the last day of a period during which there is no beneficiary to whom a trustee may distribute income.

(e) This section applies only for purposes of determining the period in which an income beneficiary is entitled or eligible to receive any net income of a trust. This section does not control how receipts and disbursements are allocated to or between principal and income during that period. Amounts received by a trust from a decedent's estate or another trust as a distribution of principal may be allocable to principal under section 24 of this chapter even to the extent the amounts received include income of the distributing estate or trust received or accrued after the beneficiary's income interest begins.

SECTION 16. IC 30-2-14-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) A trustee shall allocate an income receipt or disbursement other than one to which section ~~18(1)~~ **18(a)(1)** of this chapter applies to principal if its due date occurs before:

(1) an individual dies in the case of an estate; or

(2) an income interest begins in the case of a trust or successive

income interest.

(b) A trustee shall allocate an income receipt or disbursement to income if its due date occurs on or after the date on which an individual dies or an income interest begins and it is a periodic due date. An income receipt or disbursement must be treated as accruing from day to day if its due date is not periodic or it has no due date. The portion of the receipt or disbursement accruing before the date on which an individual dies or an income interest begins must be allocated to principal, and the balance must be allocated to income.

(c) An item of income or an obligation is due on the date the payer is required to make a payment. If a payment date is not stated, there is no due date for the purposes of this chapter. Distributions to shareholders or other owners from an entity to which section 23 of this chapter applies are considered to be due on:

(1) the date fixed by the entity for determining who is entitled to receive the distribution; or

(2) if no date is fixed, the declaration date for the distribution.

A due date is periodic for receipts or disbursements that must be paid at regular intervals under a lease or an obligation to pay interest or if an entity customarily makes distributions at regular intervals.

(d) This section applies only for purposes of determining which income receipts and disbursements of a trust are to be taken into account in determining the net income of the trust for the period after the beginning and before the end of a beneficiary's income interest. Although this section provides for certain income receipts and disbursements to be allocated to principal, this section does not control the initial classification of receipts and disbursements as between principal and income. Amounts received by a trust from a decedent's estate or another trust as a distribution of principal may be allocable to principal under section 24 of this chapter, even to the extent the amounts received include income receipts of the distributing estate or trust received or accrued after the beneficiary's income interest begins.

SECTION 17. IC 30-2-14-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. A trustee shall make the following disbursements from income to the extent that they are not disbursements to which section ~~18(2)(B)~~ ~~or~~ ~~18(2)(C)~~ **18(a)(2)(B) or 18(a)(2)(C)** of this chapter applies:

(1) one-half (1/2) of the regular compensation of the trustee and of any person providing investment advisory or custodial services to the trustee;

(2) one-half (1/2) of all expenses for accountings, judicial proceedings, or other matters that involve both the income and remainder interests;

(3) all of the other ordinary expenses incurred in connection with the administration, management, or preservation of trust property and the distribution of income, including:

(A) interest;

(B) ordinary repairs;

(C) regularly recurring taxes assessed against principal; and

(D) expenses of a proceeding or other matter that concerns primarily the income interest; and

(4) recurring premiums on insurance covering the loss of a principal asset or the loss of income from or use of the asset.

SECTION 18. IC 30-4-1-2, AS AMENDED BY P.L.61-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this article:

(1) "Adult" means any person eighteen (18) years of age or older.

(2) "Affiliate" means a parent, descendant, spouse, spouse of a descendant, brother, sister, spouse of a brother or sister, employee, director, officer, partner, joint venturer, a corporation subject to common control with the trustee, a shareholder, or corporation who controls the trustee or a corporation controlled by the trustee other than as a fiduciary, an attorney, or an agent.

(3) "Beneficiary" has the meaning set forth in IC 30-2-14-2.

(4) "Breach of trust" means a violation by the trustee of any duty which is owed to the settlor or beneficiary.

(5) "Charitable trust" means a trust in which all the beneficiaries are the general public or organizations, including trusts, corporations, and associations, and that is organized and operated wholly for religious, charitable, scientific, public safety testing, literary, or educational purposes. The term does not include charitable remainder trusts, charitable lead trusts, pooled income funds, or any other form of split-interest charitable trust that has at least one (1) noncharitable beneficiary.

(6) "Court" means a court having jurisdiction over trust matters.

(7) "Income", except as otherwise stated in a trust agreement, has the meaning set forth in IC 30-2-14-4.
(8) "Income beneficiary" has the meaning set forth in IC 30-2-14-5.
(9) "Inventory value" means the cost of property to the settlor or the trustee at the time of acquisition or the market value of the property at the time it is delivered to the trustee, or the value of the property as finally determined for purposes of an estate or inheritance tax.
(10) "Minor" means any person under the age of eighteen (18) years.
(11) "Person" has the meaning set forth in IC 30-2-14-9.
(12) "Personal representative" means an executor or administrator of a decedent's or absentee's estate, guardian of the person or estate, guardian ad litem or other court appointed representative, next friend, parent or custodian of a minor, attorney in fact, or custodian of an incapacitated person (as defined in IC 29-3-1-7.5).
(13) "Principal" has the meaning set forth in IC 30-2-14-10.
(14) "Qualified beneficiary" means:

(A) a beneficiary who, on the date the beneficiary's qualification is determined:

(i) is a distributee or permissible distributee of trust income or principal;

(ii) would be a distributee or permissible distributee of trust income or principal if the interest of the distributee described in item (i) terminated on that date;

(iii) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date;

~~(iv) has sent the trustee a request for notice;~~

~~(v)~~ **(iv)** is a charitable organization expressly designated to receive distributions under the terms of a charitable trust;

~~(vi)~~ **(v)** is a person appointed to enforce a trust for the care of an animal under IC 30-4-2-18; or

~~(vii)~~ **(vi)** is a person appointed to enforce a trust for a noncharitable purpose under IC 30-4-2-19; or

(B) the attorney general, if the trust is a charitable trust having its principal place of administration in Indiana.

(15) "Remainderman" means a beneficiary entitled to principal, including income which has been accumulated and added to the principal.

(16) "Settlor" means a person who establishes a trust including the testator of a will under which a trust is created.

(17) "Terms of a trust", "terms of the trust", or "terms of a charitable trust" means the manifestation of the intent of a settlor or decedent with respect to the trust, expressed in a manner that admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct.

~~(17)~~ **(18)** "Trust estate" means the trust property and the income derived from its use.

~~(18)~~ **(19)** "Trust for a benevolent public purpose" means a charitable trust (as defined in subdivision (5)), a split-interest trust (as defined in Section 4947 of the Internal Revenue Code), a perpetual care fund or an endowment care fund established under IC 23-14-48-2, a prepaid funeral plan or funeral trust established under IC 30-2-9, a funeral trust established under IC 30-2-10, a trust or an escrow account created from payments of funeral, burial services, or merchandise in advance of need described in IC 30-2-13, and any other form of split-interest charitable trust that has both charitable and noncharitable beneficiaries, including but not limited to charitable remainder trusts, charitable lead trusts, and charitable pooled income funds.

(20) "Trust instrument" means an instrument, agreement, or other written document executed by the settlor that contains the terms of the trust, including any amendments to the terms of the trust.

~~(19)~~ **(21)** "Trust property" means property either placed in trust or purchased or otherwise acquired by the trustee for the trust regardless of whether the trust property is titled in the name of the trustee or the name of the trust.

~~(20)~~ **(22)** "Trustee" has the meaning set forth in IC 30-2-14-13.

SECTION 19. IC 30-4-2-1, AS AMENDED BY P.L.238-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A trust in either real or personal property is enforceable only if there is written evidence of ~~its~~ **the** terms **of the trust** bearing the signature of the settlor or the settlor's authorized

agent.

(b) Except as required in the applicable probate law for the execution of wills, no formal language is required to create a trust, but ~~its~~ **the** terms **of the trust** must be sufficiently definite so that the trust property, the identity of the trustee, the nature of the trustee's interest, the identity of the beneficiary, the nature of the beneficiary's interest and the purpose of the trust may be ascertained with reasonable certainty.

(c) It is not necessary to the validity of a trust that the trust be funded with or have a corpus that includes property other than the present or future, vested or contingent right of the trustee to receive proceeds or property, including:

(1) as beneficiary of an estate under IC 29-1-6-1;

(2) life insurance benefits under section 5 of this chapter;

(3) retirement plan benefits; or

(4) the proceeds of an individual retirement account.

(d) A trust created under:

(1) section 18 of this chapter for the care of an animal; or

(2) section 19 of this chapter for a noncharitable purpose;

has a beneficiary.

(e) A trust has a beneficiary if the beneficiary can be presently ascertained or ascertained in the future, subject to any applicable rule against perpetuities.

(f) A power of a trustee to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.

(g) A trust may be created by exercise of a power of appointment in favor of a trustee.

SECTION 20. IC 30-4-3-3, AS AMENDED BY P.L.238-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in the terms of the trust and subject to subsection (c), a trustee has the power to perform without court authorization, except as provided in sections 4(b) and 5(a) of this chapter, every act necessary or appropriate for the purposes of the trust including, by way of illustration and not of limitation, the following powers:

(1) The power to:

(A) deal with the trust estate;

(B) buy, sell, or exchange and convey or transfer all property (real, personal, or mixed) for cash or on credit and at public or private sale with or without notice; and

(C) invest and reinvest the trust estate.

(2) The power to receive additions to the assets of the trust.

(3) The power to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest.

(4) The power to manage real property in every way, including:

(A) the adjusting of boundaries;

(B) erecting, altering, or demolishing buildings;

(C) dedicating of streets, alleys, or other public uses;

(D) subdividing;

(E) developing;

(F) obtaining vacation of plats;

(G) granting of easements and rights-of-way;

(H) partitioning;

(I) entering into party wall agreements; and

(J) obtaining title insurance for trust property.

(5) The power to:

(A) grant options concerning disposition of trust property, including the sale of covered security options; and

(B) take options for acquisition of trust property, including the purchase back of previously sold covered security options.

(6) The power to enter into a lease as lessor or lessee, with or without option to renew.

(7) The power to enter into arrangements for exploration and removal of minerals or other natural resources and enter into a pooling or unitization agreement.

(8) The power to continue the operation or management of any business or other enterprise placed in trust.

(9) The power to:

(A) borrow money, to be repaid from trust property or otherwise; and

(B) encumber, mortgage, pledge, or grant a security interest in trust property in connection with the exercise of any power.

(10) The power to:

(A) advance money for the benefit of the trust estate and for all expenses or losses sustained in the administration of the trust; and

(B) collect any money advanced, without interest or with interest, at no more than the lowest rate prevailing when advanced.

(11) The power to prosecute or defend actions, claims, or proceedings for the protection of:

(A) trust property; and

(B) the trustee in the performance of the trustee's duties.

(12) The power to:

(A) pay or contest any claim;

(B) settle a claim by or against the trust by compromise or arbitration; and

(C) abandon or release, totally or partially, any claim belonging to the trust.

(13) The power to insure the:

(A) trust estate against damage or loss; and

(B) trustee against liability with respect to third persons.

(14) The power to pay taxes, assessments, and other expenses incurred in the:

(A) acquisition, retention, and maintenance of the trust property; and

(B) administration of the trust.

(15) The power to:

(A) vote securities, in person or by a general or special proxy;

(B) hold the securities in the name of a nominee if the trustee is a corporate trustee; and

(C) effect or approve, and deposit securities in connection with, any change in the form of the corporation, including:

(i) dissolution;

(ii) liquidation;

(iii) reorganization;

(iv) acquisition; and

(v) merger.

(16) The power to employ persons, including:

(A) attorneys;

(B) accountants;

(C) investment advisors; and

(D) agents;

to advise and assist the trustee in the performance of the trustee's duties.

(17) The power to effect distribution of property in cash, in kind, or partly in cash and partly in kind, in divided or undivided interests.

(18) The power to execute and deliver all instruments necessary or appropriate to accomplishing or facilitating the exercise of the trustee's powers.

(19) With respect to an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or another form of business or enterprise, the power to:

(A) continue the business or enterprise; and

(B) take any action that may be taken by shareholders, members, or property owners, including:

(i) merging;

(ii) dissolving; or

(iii) changing the form of business organization or contributing additional capital.

(20) With respect to possible liability for violation of environmental law, the power to:

(A) inspect or investigate property:

(i) the trustee holds or has been asked to hold; or

(ii) owned or operated by an organization in which the trustee holds an interest or has been asked to hold an interest;

to determine the application of environmental law with respect to the property;

(B) take action to prevent, abate, or remedy an actual or potential violation of an environmental law affecting property held directly or indirectly by the trustee before or after the assertion of a claim or the initiation of governmental enforcement;

(C) decline to accept property into the trust or disclaim any power with respect to property that is or may be burdened with liability for violation of environmental law;

(D) compromise claims against the trust that may be asserted

for an alleged violation of environmental law; and

(E) pay the expense of any inspection, review, abatement, or remedial action to comply with environmental law.

(21) The power to exercise elections with respect to federal, state, and local taxes.

(22) The power to select a mode of payment under any employee benefit plan or retirement plan, annuity, or life insurance payable to the trustee and exercise rights under the plan, annuity, or insurance, including the right to:

(A) indemnification:

(i) for expenses; and

(ii) against liabilities; and

(B) take appropriate action to collect the proceeds.

(23) The power to make loans out of trust property, including loans to a beneficiary on terms and conditions the trustee determines fair and reasonable under the circumstances. The trustee has a lien on future distributions for repayment of the loans.

(24) The power to pledge trust property to guarantee loans made by others to the beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances. The trustee has a lien on future distributions for repayment of the loans.

(25) The power to:

(A) appoint a trustee to act in another jurisdiction with respect to trust property located in the other jurisdiction;

(B) confer on the appointed trustee all the appointing trustee's powers and duties;

(C) require the appointed trustee to furnish security; and

(D) remove the appointed trustee.

(26) With regard to a beneficiary who is under a legal disability or whom the trustee reasonably believes is incapacitated, the power to pay an amount distributable to the beneficiary by:

(A) paying the amount directly to the beneficiary;

(B) applying the amount for the beneficiary's benefit;

(C) paying the amount to the beneficiary's guardian;

(D) paying the amount to the beneficiary's custodian under IC 30-2-8.5 to create a custodianship or custodial trust;

(E) paying the amount to an adult relative or another person having legal or physical care or custody of the beneficiary to be expended on the beneficiary's behalf, if the trustee does not know of a guardian, custodian, or custodial trustee; or

(F) managing the amount as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution.

(27) The power to:

(A) combine at least two (2) trusts into one (1) trust; or

(B) divide one (1) trust into at least two (2) trusts;

after notice to the qualified beneficiaries, if the result does not impair the rights of any beneficiary or adversely affect achievement of the purposes of the trust.

(b) Any act under subsection (a)(4), an option under subsection (a)(5), a lease under subsection (a)(6), an arrangement under subsection (a)(7), and an encumbrance, mortgage, pledge, or security interest under subsection (a)(9) may be for a term either within or extending beyond the term of the trust.

(c) In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for any trust, the trustee thereof shall exercise the judgment and care required by IC 30-4-3.5. Within the limitations of the foregoing standard, the trustee is authorized to acquire and retain every kind of property, real, personal, or mixed, and every kind of investment, including specifically, but without in any way limiting the generality of the foregoing, bonds, debentures, and other corporate obligations, stocks, preferred or common, and real estate mortgages, which persons of prudence, discretion, and intelligence acquire or retain for their own account, and within the limitations of the foregoing standard, the trustee is authorized to retain property properly acquired, without limitation as to time and without regard to its suitability for original purchase. Within the limitations of the foregoing standard, the trustee is authorized to sell covered security options and to purchase back previously sold covered security options.

(d) If a distribution of particular trust assets is to be made to two (2) or more beneficiaries entitled to receive fractional shares in those assets, the trustee may distribute the particular assets without distributing to each beneficiary a pro rata share of each asset. However, the trustee shall:

(1) distribute to each beneficiary a pro rata share of the total fair market value of all of the particular assets as of the date of distribution; and

(2) cause the distribution to result in a fair and equitable division among the beneficiaries of capital gain or loss on the assets.

(e) If the trust is terminated or partially terminated, the trustee may send to the beneficiaries a proposal for distribution. If the proposal for distribution informs the beneficiary that the beneficiary:

(1) has a right to object to the proposed distribution; and

(2) must object not later than thirty (30) days after the proposal for distribution was sent;

the right of the beneficiary to object to the proposed distribution terminates if the beneficiary fails to notify the trustee of an objection within the time limit set forth in subdivision (2).

(f) When any real or personal property subject to a lien (as defined by IC 29-1-17-9(a)) is specifically distributable, the distributee shall take the property subject to the lien unless the terms of the trust provide expressly or by necessary implication that the lien be otherwise paid. If:

(1) an event occurs that makes the property distributable; and

(2) the holder of a lien on the property receives payment on a claim based upon the obligation secured by the lien;

the property subject to the lien shall be charged with the reimbursement to the trust of the amount of the payment for the benefit of the beneficiaries entitled to the distribution, unless the terms of the trust provide expressly or by necessary implication that the payment be charged against the residue of the trust estate.

(g) For purposes of subsection (f), a general directive or authority in the trust for payment of debts does not imply an intent that the distribution of property subject to a lien be made free from the lien.

SECTION 21. IC 30-4-3-6, AS AMENDED BY P.L.238-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The trustee has a duty to administer a trust according to ~~its terms.~~ **the terms of the trust.**

(b) Unless the terms of the trust provide otherwise, the trustee also has a duty to do the following:

(1) Administer the trust in a manner consistent with IC 30-4-3.5.

(2) Take possession of and maintain control over the trust property.

(3) Preserve the trust property.

(4) Make the trust property productive for both the income and remainder beneficiary. As used in this subdivision, "productive" includes the production of income or investment for potential appreciation.

(5) Keep the trust property separate from the trustee's individual property and separate from or clearly identifiable from property subject to another trust.

(6) Maintain clear and accurate accounts with respect to the trust estate.

~~(7) Upon reasonable request, give the beneficiary complete and accurate information concerning any matter related to the administration of the trust and permit the beneficiary or the beneficiary's agent to inspect the trust property, the trustee's accounts, and any other documents concerning the administration of the trust.~~ **(7) Keep the following beneficiaries reasonably informed about the administration of the trust and of the material facts necessary for the beneficiaries to protect their interests:**

(A) A current income beneficiary.

(B) A beneficiary who will become an income beneficiary upon the expiration of the term of the current income beneficiary, if the trust has become irrevocable by:

(i) the terms of the trust instrument; or

(ii) the death of the settlor.

A trustee satisfies the requirements of this subdivision by providing a beneficiary described in clause (A) or (B), upon the beneficiary's written request, access to the trust's accounting and financial records concerning the administration of trust property and the administration of the trust.

(8) Upon:

(A) the trust becoming irrevocable:

(i) by the terms of the trust instrument; or

(ii) by the death of the settlor; and

(B) the written request of an income beneficiary or

remainderman;

promptly provide a copy of the complete trust instrument to the income beneficiary or remainderman.

~~(8)~~ **(9)** Take whatever action is reasonable to realize on claims constituting part of the trust property.

~~(9)~~ **(10)** Defend actions involving the trust estate.

~~(10)~~ **(11)** Supervise any person to whom authority has been delegated.

~~(11)~~ **(12)** Determine the trust beneficiaries by acting on information:

(A) the trustee, by reasonable inquiry, considers reliable; and

(B) with respect to heirship, relationship, survivorship, or any other issue relative to determining a trust beneficiary.

SECTION 22. IC 30-4-3-36, AS ADDED BY P.L.6-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 36. (a) Unless a trust expressly provides otherwise, a trustee who has ~~absolute power~~ **discretion** under the terms of a trust (referred to in this section as the "first trust") to invade the principal of the trust to make distributions to or for the benefit of one (1) or more persons may instead exercise the power by appointing all or part of the principal of the first trust in favor of a trustee of another trust (referred to in this section as the "second trust") for the benefit of one (1) or more persons under the same trust instrument or under a different trust instrument as long as:

(1) the beneficiaries of the second trust are the same as the beneficiaries of the first trust;

(2) the second trust does not reduce any income, annuity, or unitrust interest in the assets of the first trust; and

(3) if any contributions to the first trust qualified for a marital or charitable deduction for purposes of the federal income, gift, or estate taxes, the second trust does not contain any provision that, if included in the first trust, would have prevented the first trust from qualifying for a deduction or reduced the amount of a deduction.

~~(b) For purposes of this section, an absolute power to invade principal includes a power to invade principal that is not limited to specific or ascertainable purposes, such as health, education, maintenance, and support regardless of whether the term "absolute" is~~

~~used.~~

~~(c)~~ **(b)** The exercise of a power to invade principal under subsection (a) must be by an instrument that is:

(1) in writing;

(2) signed and acknowledged by the trustee; and

(3) filed with the records of the first trust.

~~(d)~~ **(c)** The exercise of a power to invade principal under subsection (a) is considered the exercise of a power of appointment, other than a power to appoint to the trustee, the trustee's creditors, the trustee's estate, or the creditors of the trustee's estate. The exercise of the power does not extend the time at which the permissible period of the rule against perpetuities begins and the law that determines the permissible period of the rule against perpetuities of the first trust.

~~(e)~~ **(d)** The trustee shall notify in writing all qualified beneficiaries of the first trust at least sixty (60) days before the effective date of the trustee's exercise of the power to invade principal under subsection (a) of the manner in which the trustee intends to exercise the power. A copy of the proposed instrument exercising the power satisfies the trustee's notice obligation under this subsection. If all qualified beneficiaries waive the notice period by signed written instrument delivered to the trustee, the trustee's power to invade principal may be exercised immediately. The trustee's notice under this subsection does not limit the right of any beneficiary to object to the exercise of the trustee's power to invade principal, except as otherwise provided by this article.

~~(f)~~ **(e)** The exercise of the power to invade principal under subsection (a) is not prohibited by a spendthrift clause or by a provision in the trust instrument that prohibits amending or revoking the trust.

~~(g)~~ **(f)** This section is not intended to create or imply a duty to exercise a power to invade principal. No inference of impropriety may be made as a result of a trustee not exercising the power to invade principal conferred under subsection (a).

~~(h)~~ **(g)** This section may not be construed to abridge the right of any trustee who has a power of invasion to appoint property in further trust that arises under the terms of the first trust, under any other provision of this article or any other statute, or under common law.

SECTION 23. IC 30-4-3.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A trustee shall

invest and manage trust assets as a prudent investor would, by considering the purposes, terms **of the trust,** distribution requirements, and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution.

(b) A trustee's investment and management decisions respecting individual assets must be evaluated not in isolation but in the context of the trust portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the trust.

(c) Among circumstances that a trustee shall consider in investing and managing trust assets are those of the following that are relevant to the trust or its beneficiaries:

(1) General economic conditions.

(2) The possible effect of inflation or deflation.

(3) The expected tax consequences of investment decisions or strategies.

(4) The role that each investment or course of action plays within the overall trust portfolio, which may include financial assets, interests in closely held enterprises, tangible and intangible personal property, and real property.

(5) The expected total return from income and the appreciation of capital.

(6) Other resources of the beneficiaries.

(7) Needs for liquidity, regularity of income, and preservation or appreciation of capital.

(8) An asset's special relationship or special value, if any, to the purposes of the trust or to one (1) or more of the beneficiaries.

(d) A trustee shall make a reasonable effort to verify facts relevant to the investment and management of trust assets.

(e) A trustee may invest in any kind of property or type of investment consistent with the standards of this chapter.

(f) A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has special skills or expertise, has a duty to use the special skills or expertise.

SECTION 24. IC 30-4-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Within a reasonable time after accepting a trusteeship or receiving trust assets, a trustee shall review the trust assets and make and implement decisions concerning the retention and disposition of assets in order to bring the

trust portfolio into compliance with the purposes, terms **of the trust,** distribution requirements, and other circumstances of the trust, and with the requirements of this chapter.

SECTION 25. IC 30-4-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~(Content of Written Statements of Account Filed with the Court)~~

(a) A verified written statement of accounts filed with the court under 30-4-5-12 or by the trustee under 30-4-3-18(b) shall show:

(1) the period covered by the account;

(2) the total principal with which the trustee is chargeable according to the last preceding written statement of accounts or the original inventory if there is no preceding statement;

(3) an itemized schedule of all principal cash and property received and disbursed, distributed, or otherwise disposed of during the period;

(4) an itemized schedule of income received and disbursed, distributed, or otherwise disposed of during the period;

(5) the balance of principal and income remaining at the close of the period, how invested, and both the inventory and current market values of all investments;

(6) a statement that the trust has been administered according to ~~its terms;~~ **the terms of the trust;**

(7) the names and addresses of all living beneficiaries and a statement identifying any beneficiary known to be under a legal disability;

(8) a description of any possible unborn or unascertained beneficiary and ~~his~~ **the possible beneficiary's** interest in the trust estate; and

(9) the business addresses, if any, or the residence addresses of all the trustees.

(b) The court may, either on petition or on its own motion, require the trustee to submit such proof as it deems necessary to support ~~his~~ **the trustee's** verified written statement of accounts. The court may accept the unqualified certificate of a certified public accountant in lieu of other proof.

SECTION 26. IC 30-4-6-14, AS ADDED BY P.L.238-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person must commence a judicial proceeding to contest the validity of a trust that was revocable at the

settlor's death within the earlier of the following:

(1) Ninety (90) days after the person receives from the trustee a copy of ~~the~~ **a** trust certification **required by IC 30-4-4-5** and a notice ~~informing the person of:~~ **that:**

(A) **informs the person of** the trust's existence;

(B) **states** the trustee's name and address; ~~and~~

(C) states:

(i) the person's interest in the trust, as described in the trust document; or

(ii) that the person has no interest in the trust; and

~~(C)~~ **(D) states** the time allowed for commencing the proceeding.

(2) Three (3) years after the settlor's death.

(b) More than one hundred twenty (120) days after the death of the settlor of a trust that was revocable at the settlor's death, the trustee may distribute the trust property in accordance with the terms of the trust. The trustee is not subject to liability for the distribution unless:

(1) the trustee knows of a pending judicial proceeding contesting the validity of the trust; or

(2) a potential contestant notifies the trustee of a possible judicial proceeding to contest the trust and a judicial proceeding is commenced not later than sixty (60) days after the contestant sends the trustee the notification.

(c) A beneficiary of a trust that is determined to be invalid shall return any distribution received.

SECTION 27. IC 30-5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Language conferring general authority with respect to fiduciary transactions means the principal authorizes the attorney in fact to do the following if the principal has the authority to delegate:

(1) Apply for and procure, in the name of the principal, letters of administration, letters testamentary, letters of guardianship, or any other type of judicial or administrative authority to act as a fiduciary.

(2) Represent and act for the principal in all ways and in all matters affecting a fund with respect to which the principal is a fiduciary.

(3) Initiate, participate in, and oppose a proceeding, judicial or

otherwise, for the removal, substitution, or surcharge of a fiduciary, conserve, invest, or disburse anything received for the purposes of the fund for which it is received, and reimburse the attorney in fact for expenditures properly made by the attorney in fact in the execution of powers conferred on the attorney in fact.

(4) Agree and contract in any manner and on any terms with a person the attorney in fact selects to accomplish a purpose permitted under this section and perform, rescind, reform, release, or modify an agreement or contract made by or on behalf of the principal.

(5) Execute, acknowledge, verify, seal, file, and deliver a consent, a designation, a pleading, a notice, a demand, an election, a conveyance, a release, an assignment, a pledge, a check, a waiver, an admission of service, a notice of appearance, or other instrument the attorney in fact considers useful to accomplish a purpose permitted under this section.

(6) Hire, discharge, and compensate an attorney, accountant, expert witness, or other assistant when the attorney in fact considers the action to be desirable for the proper execution by the attorney in fact of a power described in this section and keep needed records.

(7) Perform any other acts with respect to a fund of which the principal is a fiduciary.

(b) The powers described in this section are exercisable equally with respect to a fund of which the principal is a fiduciary at the time of the giving of the power of attorney or becomes a fiduciary after that time, whether located in Indiana or in another jurisdiction.

(c) As used in this section, "fiduciary" means a trustee, personal representative, guardian, attorney in fact, custodian, escrow agent, or person similarly authorized to act primarily for the benefit of another person.

(d) As used in this section, "fund" means any asset, including real or personal property, in which a principal has an interest as a fiduciary.

(e) The powers granted in this section apply:

(1) to a fund existing at the time the power of attorney is executed;

(2) to a fund created after the power of attorney is executed;

and

(3) whether or not the fund is located in Indiana.

SECTION 28. IC 30-5-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. Language conferring general authority with respect to delegating authority means the principal authorizes the attorney in fact to delegate in writing to one (1) or more persons any or all powers given to the attorney in fact by the power of attorney. **An action taken by a person holding delegated authority under this section binds the principal and persons who are obligated under IC 30-5-8 to obey instructions issued by the attorney in fact who delegated the authority, even if the attorney in fact who delegated the authority fails to serve or ceases to serve as provided under IC 30-5-4-4 unless:**

(1) the principal revokes the delegation of authority;

(2) the delegation of authority by the attorney in fact is revoked by another attorney in fact who:

(A) is named in the power of attorney; and

(B) currently has authority and priority to act for the principal;

(3) the power of attorney expires or is otherwise invalid or unenforceable; or

(4) the power of attorney or the document in which the attorney delegates authority specifically provides that the delegation of authority is terminated when the attorney in fact who delegated the authority fails to serve or ceases to serve as provided under IC 30-5-4-4.

SECTION 29. IC 30-5-6-4, AS AMENDED BY P.L.42-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The attorney in fact shall keep complete records of all transactions entered into by the attorney in fact on behalf of the principal:

(1) for six (6) years after the date of the transaction; or

(2) until the records are delivered to the successor attorney in fact;

whichever occurs first.

(b) Except as otherwise:

(1) stated in the power of attorney; **or**

(2) required by subsection (c);

the attorney in fact is not required to render an accounting.

(c) Except as provided in subsection (f), the attorney in fact shall render a written accounting if an accounting is ordered by a court, requested by the principal, a guardian appointed for the principal, a child of the principal, or, upon the death of the principal, the personal representative of the principal's estate, or an heir or legatee of the principal.

~~(c)~~ **(d) Except as provided in subsection (f),** an attorney in fact shall deliver an accounting requested under subsection ~~(b)~~ **(c)** to:

(1) the principal;

(2) a guardian appointed for the principal;

(3) the personal representative of the principal's estate;

(4) an heir of the principal after the death of the principal; ~~or~~

(5) a legatee of the principal after the death of the principal; **or**

(6) a child of the principal.

~~not later than sixty (60) days after the date the attorney in fact receives the written request for an accounting. In the event of the principal's death, an accounting under this subsection must be requested not later than nine (9) months after the date of the principal's death.~~

(e) Except as provided in subsection (f)(2), an attorney in fact shall deliver an accounting ordered or requested under subsection (c) to the court or the person requesting the accounting not later than sixty (60) days after the date the attorney in fact receives the court order or written request for an accounting.

(f) In the case of a principal who has died, the following apply:

(1) The court may order an accounting under subsection (c) at any time.

(2) In the absence of a court ordered accounting, an attorney in fact is not required to deliver an accounting to a person described in subsection (d)(2) through (d)(6) unless the person requests the accounting not later than nine (9) months after the date of the principal's death.

(3) The delivery deadline set forth in subsection (e) applies to a written request for an accounting that is timely submitted under subdivision (2).

~~(d)~~ **(g)** Not more than one (1) accounting is required under this section in each twelve (12) month period unless the court, in its discretion, orders additional accountings.

~~(e)~~ **(h)** If an attorney in fact fails to deliver an accounting as required

under ~~subsection (c),~~ **this section,** the person requesting the accounting may initiate an action in mandamus to compel the attorney in fact to render the accounting. The court may award the attorney's fees and court costs incurred under this subsection to the person requesting the accounting if the court finds that the attorney in fact failed to render an accounting as required under this section without just cause.

SECTION 30. IC 32-17-14-26, AS AMENDED BY P.L.149-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an agreement between the owner and a transferring entity is required to carry out a transfer on death transfer as described in section 7 of this chapter, a transferring entity may not adopt rules for the making, execution, acceptance, and revocation of a beneficiary designation that are inconsistent with this chapter.

(b) The following rules apply to a beneficiary designation:

(1) A beneficiary designation or a request for registration of property in beneficiary form must be made in writing, signed by the owner, dated, and, in the case of a transfer on death deed, compliant with all requirements for the recording of deeds.

(2) A security that is not registered in the name of the owner may be registered in beneficiary form on instructions given by a broker or person delivering the security.

(3) A beneficiary designation may designate one (1) or more primary beneficiaries and one (1) or more contingent beneficiaries.

(4) On property registered in beneficiary form, a primary beneficiary is the person shown immediately following the transfer on death direction. Words indicating that the person is a primary beneficiary are not required. The name of a contingent beneficiary in the registration must have the words "contingent beneficiary" or words of similar meaning to indicate the contingent nature of the interest being transferred.

(5) Multiple surviving beneficiaries share equally in the property being transferred unless a different percentage or fractional share is stated for each beneficiary. If a percentage or fractional share is designated for multiple beneficiaries, the surviving beneficiaries share in the proportion that their designated shares bear to each other.

(6) A transfer of unequal shares to multiple beneficiaries for

property registered in beneficiary form may be expressed in numerical form following the name of the beneficiary in the registration.

(7) A transfer on death transfer of property also transfers any interest, rent, royalties, earnings, dividends, or credits earned or declared on the property but not paid or credited before the owner's death.

(8) If a distribution by a transferring entity under a transfer on death transfer results in fractional shares in a security or other property that is not divisible, the transferring entity may distribute the fractional shares in the name of all beneficiaries as tenants in common or as the beneficiaries may direct, or the transferring entity may sell the property that is not divisible and distribute the proceeds to the beneficiaries in the proportions to which they are entitled.

(9) On the death of the owner, the property, minus all amounts and charges owed by the owner to the transferring entity, belongs to the surviving beneficiaries and, in the case of substitute beneficiaries permitted under section 22 of this chapter, the lineal descendants of designated beneficiaries who did not survive the owner are entitled to the property as follows:

(A) If there are multiple primary beneficiaries and a primary beneficiary does not survive the owner and does not have a substitute under section 22 of this chapter, the share of the nonsurviving beneficiary is allocated among the surviving beneficiaries in the proportion that their shares bear to each other.

(B) If there are no surviving primary beneficiaries and there are no substitutes for the nonsurviving primary beneficiaries under section 22 of this chapter, the property belongs to the surviving contingent beneficiaries in equal shares or according to the percentages or fractional shares stated in the registration.

(C) If there are multiple contingent beneficiaries and a contingent beneficiary does not survive the owner and does not have a substitute under section 22 of this chapter, the share of the nonsurviving contingent beneficiary is allocated among the surviving contingent beneficiaries in the proportion that their

shares bear to each other.

(10) If a trustee designated as a beneficiary:

(A) does not survive the owner;

(B) resigns; or

(C) is unable or unwilling to execute the trust as trustee and no successor trustee is appointed in the twelve (12) months following the owner's death;

the transferring entity may make the distribution as if the trust did not survive the owner.

(11) If a trustee is designated as a beneficiary and no affidavit of certification of trust or probated will creating an express trust is presented to the transferring entity within the twelve (12) months after the owner's death, the transferring entity may make the distribution as if the trust did not survive the owner.

(12) If the transferring entity is not presented evidence during the twelve (12) months after the owner's death that there are lineal descendants of a nonsurviving beneficiary for whom LDPS distribution applies who survived the owner, the transferring entity may make the transfer as if the nonsurviving beneficiary's descendants also failed to survive the owner.

(13) If a beneficiary cannot be located at the time the transfer is made to located beneficiaries, the transferring entity shall hold the missing beneficiary's share. If the missing beneficiary's share is not claimed by the beneficiary or by the beneficiary's personal representative or successor during the twelve (12) months after the owner's death, the transferring entity shall transfer the share as if the beneficiary did not survive the owner.

(14) A transferring entity has no obligation to attempt to locate a missing beneficiary, to pay interest on the share held for a missing beneficiary, or to invest the share in any different property.

(15) Cash, interest, rent, royalties, earnings, or dividends payable to a missing beneficiary may be held by the transferring entity at interest or reinvested by the transferring entity in the account or in a dividend reinvestment account associated with a security held for the missing beneficiary.

(16) If a transferring entity is required to make a transfer on death transfer to a minor or an incapacitated adult, the transfer may be made under the Indiana Uniform Transfers to Minors Act, the

Indiana Uniform Custodial Trust Act, or a similar law of another state.

(17) A written request for the execution of a transfer on death transfer may be made by any beneficiary, a beneficiary's legal representative or attorney in fact, or the owner's personal representative.

(18) A transfer under a transfer on death deed occurs automatically upon the owner's death subject to the requirements of subdivision (20) and does not require a request for the execution of the transfer.

(19) A written request for the execution of a transfer on death transfer must be accompanied by the following:

(A) A certificate or instrument evidencing ownership of the contract, account, security, or property.

(B) Proof of the deaths of the owner and any nonsurviving beneficiary.

(C) An inheritance tax waiver from states that require it.

(D) In the case of a request by a legal representative, a copy of the instrument creating the legal authority or a certified copy of the court order appointing the legal representative.

(E) Any other proof of the person's entitlement that the transferring entity may require.

(20) On the death of an owner whose transfer on death deed has been recorded, the beneficiary shall file an affidavit in the office of the recorder of the county in which the real property is located. The affidavit must be endorsed by the county auditor under IC 36-2-11-14 in order to be recorded. The affidavit must contain the following:

(A) The legal description of the property.

~~(B) A certified copy of the death certificate certifying the owner's death.~~

(B) The date of death of the owner.

(C) The name and address of each designated beneficiary who survives the owner or is in existence on the date of the owner's death.

(D) The name of each designated beneficiary who has not survived the owner's death or is not in existence on the date of the owner's death.

(E) A cross-reference to the recorded transfer on death deed.

(c) A beneficiary designation is presumed to be valid. A party may rely on the presumption of validity unless the party has actual knowledge that the beneficiary designation was not validly executed. A person who acts in good faith reliance on a transfer on death deed is immune from liability to the same extent as if the person had dealt directly with the named owner and the named owner had been competent and not incapacitated.

P.L.52-2014
[S.44. Approved March 24, 2014.]

AN ACT concerning health.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "state department" refers to the state department of health.**

(b) The state department and the office of the secretary of family and social services shall establish a work group to study the following:

(1) Patient and legal consent for the sharing of information.

(2) Public health integration into the health care sector.

(3) Patient and caregiver access to health data.

(4) Health care provider use of health information technology.

(5) Uniform access to electronic health data by health providers in Indiana.

(6) The sharing of health data between the state department and office of the secretary, and opportunities to improve sharing and collaboration.

(7) Potential opportunities to use health data to improve health and to make the delivery of health services, including

within the Medicaid program, more efficient and cost effective.

(8) Potential opportunities to facilitate and encourage entrepreneurial uses of health data.

(9) Potential need for legislation to implement any recommendations determined under subdivisions (1) through (3).

(10) Any other health data issues the state department and the office of the secretary determine would improve the provision of health care in Indiana.

(c) Before August 1, 2014, the state department shall report to the legislative council in writing in an electronic format under IC 5-14-6 with the findings of the work group described in this SECTION. The findings must include the cost for any recommendation.

(d) This SECTION expires December 31, 2014.

SECTION 2. **An emergency is declared for this act.**

P.L.53-2014

[S.80. Approved March 24, 2014.]

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

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

SECTION 1. IC 2-5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The Indiana code revision commission is established. The commission shall function as an advisory body to the legislative council. In that capacity, the commission shall:

(1) assist the council in supervising the compilation, computerization, indexing, and printing of the Indiana Code;

(2) assist the council in developing standards for the codification and revision of statutes to make those statutes clear, concise, and easy to interpret and to apply;

(3) assist the council, as required by IC 4-22-8-11, with the publication of the Indiana Register and in the compilation, computerization, indexing, and printing of the Indiana Administrative Code;

(4) assist the council, as required by IC 4-22-2-42, in developing and revising standards, techniques, format, and numbering system to be used in drafting rules for promulgation;

(5) assist the council in developing and revising standards, techniques, and format to be used when preparing legislation for consideration by the Indiana general assembly; and

(6) assist the council with any other related tasks assigned to the commission by the council.

(b) The commission consists of the following members:

(1) Four (4) members of the house of representatives, not more than two (2) of whom are members of the same political party, to be appointed by the speaker of the house of representatives.

(2) Four (4) members of the senate, not more than two (2) of whom are members of the same political party, to be appointed by the president pro tempore of the senate.

(3) The chief justice of Indiana or his designee.

(4) The chief judge of the Indiana court of appeals or his designee.

(5) The Indiana attorney general or his designee.

(6) An attorney admitted to the practice of law before the Indiana supreme court selected by the chairman of the council.

(7) A present or former professor of law selected by the chairman of the council.

(8) The Indiana secretary of state or his designee.

(9) An individual appointed by the governor.

Appointive members of the commission shall be appointed to serve a term of two (2) years or until their successors are appointed and qualified. **However, an appointing authority may replace a member appointed under subsection (b)(1) or (b)(2) at any time during the member's term. Notwithstanding this subsection, the term of a member appointed to the commission under subsection (b)(1) or**

(b)(2) and serving on the commission after March 14, 2014, and before December 31, 2014, expires December 31, 2014.

(c) ~~The chairman~~ **IC 2-5-1.2-8.5 applies to the appointment of a chair and a vice-chair** of the commission. ~~shall be selected by the commission from among its legislative members.~~

(d) Commission members serve without compensation other than per diem and travel allowance as authorized for legislative study committees.

(e) The commission shall meet as often as is necessary to properly perform its duties.

(f) The council may direct the legislative services agency to provide such clerical, research, and administrative personnel and other assistance as the council considers necessary to enable the commission to properly perform its duties.

(g) Subject to the authorization of the council, the expenses incurred by the commission in performing its duties shall be paid from the funds appropriated to the council.

SECTION 2. IC 2-5-1.1-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.2. (a) The definitions in IC 1-1-3.5 and IC 3-5-2 apply throughout this section.

~~(b) As used in this section, "committee" refers to the census data advisory committee established by IC 2-5-19-2.~~

~~(c)~~ **(b)** As used in this section, "council" refers to the legislative council established by section 1 of this chapter.

~~(d)~~ **(c)** As used in this section, "GIS" refers to the geographic information system that the office is required to establish and maintain under subsection ~~(g)(9).~~ **(f)(7).**

~~(e)~~ **(d)** As used in this section, "office" refers to the office of census data established by subsection ~~(f).~~ **(e).**

~~(f)~~ **(e)** The office of census data is established within the legislative services agency. Appointment of staff members of the office is subject to the approval of the legislative council.

~~(g)~~ **(f)** The office shall do the following:

(1) Advise and assist the Bureau of the Census ~~and the committee~~ in defining the boundaries of census blocks in Indiana.

~~(2) Advise and assist the committee in coordinating the state's efforts to obtain an accurate population count in each federal decennial census.~~

~~(3)~~ **(2)** Work with other state and federal agencies to assist in the Census Bureau's local review program conducted in Indiana.

~~(4)~~ **(3)** Participate in national associations of state governments to obtain information regarding census count activities conducted by other states.

~~(5) Advise and assist the committee in the preparation and organization of decennial census data for use in congressional and state legislative redistricting.~~

~~(6)~~ **(4)** Work with political subdivisions following each decennial census to provide information and assistance concerning special censuses, special tabulations, and corrected population counts.

~~(7)~~ **(5)** Work with the election division, state agencies, and political subdivisions to maintain accurate information concerning the boundaries of precincts and political subdivisions.

~~(8)~~ **(6)** Provide technical assistance to counties, the election commission, and the election division to comply with Indiana law concerning establishing a precinct (as defined in IC 3-11-1.5-1).

~~(9)~~ **(7)** Establish and maintain a geographic information system that contains the boundaries of all precincts, legislative districts, and congressional districts. The geographic information system may contain other boundaries and information as determined by the executive director of the legislative services agency or as required by the council.

~~(10)~~ **(8)** Perform other census and mapping research as determined by the executive director of the legislative services agency or as required by the council.

~~(h)~~ **(g)** The office shall provide the election division a network connection to the GIS. The network connection must do the following:

(1) Provide the election division with read access to the GIS.

(2) Enable the election division to download any information, including maps, contained in the GIS.

~~(i)~~ **(h)** The election division is the agency through which public access to information contained in the GIS shall be provided.

SECTION 3. IC 2-5-1.2-1, AS AMENDED BY P.L.205-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b) or otherwise in this article, this chapter applies to all committees established under this article.

(b) This chapter does not apply to the following:

(1) The legislative council ~~and code revision commission~~ (IC 2-5-1.1).

~~(2) The public officers compensation advisory commission (IC 2-5-1.6).~~

~~(3) The commission on interstate cooperation (IC 2-5-2).~~

~~(4) The commission on state tax and financing policy (IC 2-5-3).~~

~~(5) The natural resources study committee (IC 2-5-5).~~

~~(6) The pension management oversight commission (IC 2-5-12).~~

~~(7) The probate code study commission (IC 2-5-16).~~

~~(8) The administrative rules oversight committee (IC 2-5-18).~~

~~(9) The census data advisory committee (IC 2-5-19).~~

~~(10) The commission on military and veterans affairs (IC 2-5-20).~~

~~(11) A committee covered by IC 2-5-21.~~

~~(12) The health finance commission (IC 2-5-23).~~

~~(13) The water resources study committee (IC 2-5-25).~~

~~(14) The commission on developmental disabilities (IC 2-5-27.2).~~

~~(15)~~ **(2)** The youth advisory council (IC 2-5-29).

~~(16) The unemployment insurance oversight committee (IC 2-5-30).~~

~~(17) The criminal law and sentencing policy study committee (IC 2-5-33.4).~~

(3) The commission on improving the status of children in Indiana (IC 2-5-36).

SECTION 4. IC 2-5-1.2-4, AS ADDED BY P.L.220-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "Committee" refers to a commission, a committee, or another body (however designated) established under this article, **including a subcommittee established under IC 2-5-1.3-12 and a committee established under IC 2-5-1.3-14.**

SECTION 5. IC 2-5-1.2-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) The:**

(1) chairman of the legislative council, with the advice of the vice-chairman, shall designate the chair; and

(2) vice-chairman of the legislative council, with the advice of the chairman, shall designate a vice-chair;

of each committee from among the legislative members of the

committee. The chair and vice-chair of a committee serve at the pleasure of the appointing authority.

(b) If a committee is a study committee (as defined in IC 2-5-1.3-3) or another committee on which members serve for two (2) interims or years, the chairman and the vice-chairman of the legislative council may provide that:

(1) the chair of a committee becomes the vice-chair of the committee in the year after the individual is appointed as chair; and

(2) the vice-chair of the committee becomes the chair of the committee in the year after the individual is appointed as vice-chair.

SECTION 6. IC 2-5-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.3. Interim Study Committees

Sec. 1. As used in this chapter, "interim" refers to the part of a year that begins immediately after the day that a regular session of the general assembly adjourns sine die and ends immediately before the day that the next regular session of the general assembly convenes.

Sec. 2. As used in this chapter, "standing committee" means the following:

(1) A standing committee established under the rules of the senate to consider bills during a regular session of the general assembly.

(2) A standing committee established under the rules of the house of representatives to consider bills during a regular session of the general assembly.

Sec. 3. As used in this chapter, "study committee" means an interim study committee established by section 4 of this chapter.

Sec. 4. The following interim study committees are established:

(1) Agriculture and Natural Resources.

(2) Commerce and Economic Development.

(3) Corrections and Criminal Code.

(4) Courts and the Judiciary.

(5) Education.

(6) Elections.

(7) Employment and Labor.

(8) Energy, Utilities, and Telecommunications.
(9) Environmental Affairs.
(10) Financial Institutions and Insurance.
(11) Government.
(12) Public Safety and Military Affairs.
(13) Pension Management Oversight.
(14) Public Health, Behavioral Health, and Human Services.
(15) Public Policy.
(16) Roads and Transportation.
(17) Fiscal Policy.

Sec. 5. A study committee has the following members:

(1) Four (4) members of the senate, appointed by the president pro tempore, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.

(2) Three (3) members, appointed by the minority leader of the senate, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.

(3) Four (4) members, appointed by the speaker, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.

(4) Three (3) members, appointed by the minority leader of the house of representatives, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.

(5) The members (if any) appointed under section 6 of this chapter.

Sec. 6. (a) The legislative council may authorize the addition of lay members to one (1) or more study committees in accordance with this section.

(b) If the legislative council authorizes the appointment of lay members to a study committee, four (4) lay members shall be

appointed as follows:

(1) One (1) individual, appointed by the president pro tempore, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(2) One (1) individual, appointed by the minority leader of the senate, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(3) One (1) individual, appointed by the speaker, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(4) One (1) individual, appointed by the minority leader of the house of representatives, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(c) If the legislative council authorizes the appointment of lay members to a study committee, the legislative council may provide for the appointment to the study committee of lay members in addition to the lay members appointed under subsection (b).

(d) If the legislative council authorizes the appointment of lay members to a study committee, the legislative council may make the lay members appointed to the study committee voting members of the study committee.

Sec. 7. This chapter does not prohibit an appointing authority from appointing a legislator who is not a member of a standing committee that has subject matter jurisdiction most closely relating to the subject matter for the study committee.

Sec. 8. Except as provided by this chapter, additional voting members, advisory members, or lay members may not be appointed to serve on a study committee.

Sec. 9. The term of a member appointed to a study committee is two (2) consecutive interims. However, an appointing authority may replace a member at any time during the member's term. Notwithstanding this section, the term of a member serving on a study committee after March 14, 2014, and before December 31, 2014, expires December 31, 2014.

Sec. 10. IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair for a study committee.

Sec. 11. A study committee shall operate, as required in IC 2-5-1.2-13, under the policies and rules of the legislative council. However, a study committee may meet only during the interim period in a year.

Sec. 12. (a) The chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.

(b) The expenses of a subcommittee, including per diem, mileage, and travel allowances payable under IC 2-5-1.2-11, shall be paid from money authorized by the legislative council for operation of the study committee. The amount authorized by the legislative council for expenditures of a study committee may not be increased to pay for the operation of a subcommittee.

Sec. 13. A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter. In addition, the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18-25-2.5 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18-25-2.7.

Sec. 14. In addition to the study committees established under section 4 of this chapter, the legislative council by resolution may establish one (1) or more additional interim study committees. An interim study committee established by the legislative council:

(1) shall study only the specific topics assigned by the legislative council;

(2) exists for the duration of only one (1) interim period;

(3) has the membership determined by the legislative council; and

(4) is subject to IC 2-5-1.2.

Sec. 15. The legislative council may transfer the study of a legislative topic from the board, commission, or other committee that is directed by law to study the legislative topic to a study committee with subject matter jurisdiction closely relating to the subject matter of the proposed study, as determined by the chairman of the legislative council, or to an interim study committee established under section 14 of this chapter.

Sec. 16. The general assembly recognizes that SEA 80-2014 repeals IC 2-5-3, IC 2-5-20, IC 2-5-28.5, IC 2-5-33.4, IC 2-5-38.1, IC 13-13-7, IC 33-23-10, and other statutes that establish study committees and that other acts of the 2014 regular session of the general assembly add or amend provisions that are repealed by SEA 80-2014. The general assembly intends to repeal the provisions described in this section, including the additions and amendments to the repealed provisions enacted in other acts of the 2014 regular session of the general assembly.

SECTION 7. IC 2-5-1.6 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Public Officers Compensation Advisory Commission).

SECTION 8. IC 2-5-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Interstate Cooperation).

SECTION 9. IC 2-5-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on State Tax and Financing Policy).

SECTION 10. IC 2-5-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Natural Resources Study Committee).

SECTION 11. IC 2-5-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Pension Management Oversight Commission).

SECTION 12. IC 2-5-16 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Probate Code Study Commission).

SECTION 13. IC 2-5-18 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Administrative Rules Oversight Committee).

SECTION 14. IC 2-5-19 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Census Data Advisory Committee).

SECTION 15. IC 2-5-20 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Military and Veterans Affairs).

SECTION 16. IC 2-5-21-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 2. As used in this chapter, "committee" refers to a committee established under section 10 of this chapter.~~

SECTION 17. IC 2-5-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The subcommittee consists of four (4) members of the council as follows:

(1) Two (2) members of the house of representatives who may not be members of the same political party.

(2) Two (2) members of the senate who may not be members of the same political party.

(b) The chairman of the council, with the advice of the vice-chairman of the council, shall appoint the members of the subcommittee.

~~(c) An individual serves as a member of the subcommittee until the earlier of the following:~~

~~(1) The individual resigns as a member of the subcommittee.~~

~~(2) The individual ceases to be a member of the council.~~

~~(3) The individual is replaced by the chairman of the council.~~

~~(d) The chairman of the council, with the advice of the vice chairman of the council, shall fill a vacancy on the subcommittee.~~

SECTION 18. IC 2-5-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a) When making appointments to the subcommittee, the chairman of the council, with the advice of the vice chairman of the council, shall appoint a member of the subcommittee as the~~ **IC 2-5-1.2-8.5 applies to the appointment of a** chair **and vice-chair** of the subcommittee.

~~(b) The chair of the subcommittee serves until the earlier of the following:~~

~~(1) The individual resigns as chair.~~

~~(2) The individual ceases to be a member of the subcommittee.~~

~~(3) The individual is replaced by the chairman of the council.~~

SECTION 19. IC 2-5-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a)** Subject to the direction of the council, the subcommittee shall do the following:

(1) ~~Identify~~ **Annually recommend to the legislative council** the agencies and programs to be reviewed by the staff ~~and the committee assigned to the evaluation project.~~ **and a committee to receive and evaluate the agencies and programs selected for**

review after the review is completed.

(2) Direct the staff in performing ~~audits~~ **reviews** of agencies and programs.

~~(3) Assist the committees in performing the duties of a committee under this chapter.~~

~~(4)~~ **(3)** Perform other functions assigned by the council.

(b) The council shall determine which agencies and programs to review.

(c) Unless assigned by the legislative council to a committee established under IC 2-5-1.3, the subcommittee shall do the following:

(1) Evaluate the results of the review.

(2) Determine whether additional corrective or other legislation is required.

If the legislative council assigns the duties under this subsection to a committee established under IC 2-5-1.3, the assigned committee has the duties and powers of the subcommittee established by this chapter.

SECTION 20. IC 2-5-21-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 10. (a) Subject to subsection (c), the chairman of the council, with the advice of the vice chairman of the council, shall appoint a committee to evaluate each of the following:~~

~~(1) Agencies and programs with highway or transportation matters as their major function during 1994.~~

~~(2) Agencies and programs with occupational licensing as their major function during 1995.~~

~~(3) Agencies and programs with commerce matters as their major function during 1996.~~

~~(4) Agencies and programs with agricultural matters as their major function during 1997.~~

~~(5) Agencies and programs with human resources or economic security as their major function during 1998.~~

~~(6) Agencies and programs with management or administration as their major function during 1999.~~

~~(7) Agencies and programs with corrections or judicial matters as their major function during 2000.~~

~~(8) Agencies and programs with public safety matters as their major function during 2001.~~

~~(9) Agencies and programs with education matters as their major function during 2002.~~

~~(10) Agencies and programs with human services as their major function during 2003.~~

~~(11) Agencies and programs with labor matters as their major function during 2004.~~

~~(12) Agencies and programs with taxation or finance as their major function during 2005.~~

~~(13) Agencies and programs with business regulation as their major function during 2006.~~

~~(14) Agencies and programs with health matters as their major function during 2007.~~

~~(15) Agencies and programs with natural resources or recreation as their major function during 2008.~~

~~(b) The committee shall be appointed before July 1 of the year the agencies and programs are required to be evaluated under this section.~~

~~(c) The council by resolution may do any of the following with respect to agencies and programs evaluated under this section:~~

~~(1) Require evaluation of agencies and programs in an order different from the order specified in subsection (a).~~

~~(2) Assign specific topics or issues for audit and evaluation by staff and a committee.~~

~~(3) Assign areas for audit and evaluation in classifications different from the areas described in subsection (a).~~

SECTION 21. IC 2-5-21-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 11. (a) A committee must consist of the following:~~

~~(1) Four (4) members of the house of representatives appointed by the chairman of the council with the advice of the vice chairman of the council. Not more than two (2) members appointed under this subdivision may be members of the same political party.~~

~~(2) Four (4) members of the senate appointed by the chairman of the council with the advice of the vice chairman of the council. Not more than two (2) members appointed under this subdivision may be members of the same political party.~~

~~(b) A member of a committee serves until the earlier of the following:~~

~~(1) The individual resigns from the committee.~~

~~(2) The individual ceases to be a member in the chamber of the~~

~~general assembly from which the individual was appointed.~~

~~(3) The individual is replaced by the chairman of the council.~~

~~(c) The chairman of the council, with the advice of the vice chairman of the council, shall fill a vacancy on the committee.~~

SECTION 22. IC 2-5-21-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 12. (a) When making appointments to a committee, the chairman of the council, with the advice of the vice chairman of the council, shall appoint a member of the committee to be the chair of the committee.~~

~~(b) The chair of a committee serves until the earlier of the following:~~

~~(1) The individual resigns as chair.~~

~~(2) The individual ceases to be a member of the committee.~~

~~(3) The individual is replaced as chair by the chairman of the council.~~

SECTION 23. IC 2-5-21-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~As directed by the subcommittee or the council,~~ Any of the following shall be considered by staff ~~in doing audits and by the committee~~ when ~~evaluating~~ **reviewing** and doing follow-up ~~evaluation~~ **reviews** of agencies and programs:

(1) The objectives intended for the agency or program and the problem or need that the agency or program was intended to address.

(2) The degree to which the intended objectives of the agency or program have been achieved expressed in terms of performance, impact, or accomplishments of the agency or program.

(3) Budget and other fiscal factors relating to the agency or program.

(4) Areas or aspects of outstanding agency or program performance that might be effectively used by other agencies or programs.

(5) The effect of the agency or program on the Indiana economy, including costs to consumers and businesses.

(6) Whether another public or private program or entity can better or more economically meet the need for which the agency or program was established.

(7) Whether the operation of the agency or program has been

efficient and responsive to public needs.

(8) The management efficiency of the agency or program and the cost effectiveness and value of the information the agency or program processes.

(9) Any criteria identified by the subcommittee or by the council.

SECTION 24. IC 2-5-21-14 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 14. Subject to the direction of the subcommittee, a committee shall do the following during the year the committee is appointed to evaluate agencies and programs:~~

~~(1) Review audit reports.~~

~~(2) Take testimony regarding audit reports and other areas the committee considers related to the committee's work.~~

~~(3) Make recommendations for legislation.~~

~~(4) Make recommendations for administrative changes.~~

SECTION 25. IC 2-5-21-15 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 15. With the consent of the subcommittee, a committee may extend the committee's work under section 14 of this chapter through the next calendar year after the committee is appointed.~~

SECTION 26. IC 2-5-21-16 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 16. After the committee completes its work under sections 14 and 15 of this chapter, the committee shall do the following:~~

~~(1) Evaluate the results of the audit and the recommendations made by the committee.~~

~~(2) Determine whether additional corrective or other legislation is required.~~

SECTION 27. IC 2-5-21-17 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 17. Subject to section 18 of this chapter, a committee expires on the earlier of the following dates:~~

~~(1) December 31 of the second full year after the committee is appointed.~~

~~(2) When terminated by the council.~~

SECTION 28. IC 2-5-21-18 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 18. The council by resolution may extend the work of a committee beyond the committee's expiration date under section 17 of this chapter.~~

SECTION 29. IC 2-5-21-19 IS REPEALED [EFFECTIVE UPON

PASSAGE]. ~~Sec. 19. (a) For purposes of this section, "committee" includes the subcommittee.~~

~~(b) The following apply to the operation of a committee:~~

~~(1) The council may provide that there is a vice chair of the committee.~~

~~(2) The chair of a committee may delegate any of the chair's powers to a vice chair of the committee.~~

~~(3) The committee shall meet at the call of the chair.~~

~~(4) A quorum consists of a majority of the voting members of the committee.~~

~~(5) An affirmative vote of a majority of the members of the committee is required for the committee to take official action. For purposes of this subdivision, meeting to take testimony is not considered official action.~~

~~(6) The legislative services agency shall provide staff and administrative support for the committee as directed by the council.~~

~~(7) The committee shall make reports as required by the council or the subcommittee.~~

~~(8) The council may establish a budget for the committee.~~

~~(9) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.~~

~~(10) The expenditures of the committee shall be paid from appropriations to the council or the legislative services agency.~~

SECTION 30. IC 2-5-21-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. The chief administrative officer and the employees of an agency or agency that administers a program subject to evaluation under this chapter shall cooperate with ~~a committee,~~ the subcommittee, ~~and~~ the council, **and the legislative services agency as the staff to the subcommittee and the council,** as ~~the committee, subcommittee, or council performs~~ **they perform** the duties under this chapter.

SECTION 31. IC 2-5-21-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The chief administrative officer and the employees of an agency or agency that administers a program subject to ~~evaluation~~ **review** under this chapter

shall provide ~~a committee,~~ **the legislative services agency as the staff of** the subcommittee ~~or the~~ **and** council with the following information upon request **in an electronic format under IC 5-14-6:**

(1) The identity of all agencies or subunits under the agency's direct or advisory control.

(2) A ~~statement~~ **description** of all the agency's powers, duties, and functions currently performed.

(3) A citation to all constitutional, statutory, or other authority under which the agency carries out the agency's powers, duties, and functions.

(4) A ~~statement~~ **description** of the number and types of persons the agency serves.

(5) A summary ~~statement~~ **description,** for the last completed fiscal year, of the number, type, and cost of personnel the agency employs in carrying out each program, and a summary ~~statement~~ **description** of the cost of personnel the agency employs under contract in carrying out each program.

(6) A ~~statement~~ **description** identifying the source of all funds for which the agency has some responsibility.

(7) A ~~statement~~ **description** of the agency's performance and accomplishments in the last fiscal year and of the budgetary costs the agency incurred in the operation of each program.

(8) A summary ~~statement~~ **description** of the agency's reporting and recordkeeping requirements and activities, including the agency's management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of the agency's methods to reduce and simplify the reporting and recordkeeping requirements.

(9) A summary ~~statement~~ **description** of the agency's budget and program for the current fiscal year and the agency's budget projections for the next succeeding fiscal year.

(10) An estimate of potential outputs of services to be produced by varying levels of budgetary inputs.

(11) A ~~statement~~ **description** concerning any powers, duties, or functions that in the agency's opinion are being performed and duplicated to any extent by another public or private program or entity, including the manner in which and the extent to which this duplication of effort is occurring, and any recommendations the

agency has as to eliminating this situation.

(12) A ~~statement~~ **description** of any powers, duties, or functions that in the agency's opinion are inconsistent with current and projected public demands and that should be terminated or altered.

(13) A ~~statement~~ **description** of the names of those private programs or entities with which the agency has substantial contact, and a description of the nature of that contact.

(14) Any other information that ~~a committee,~~ the subcommittee, **the staff of the subcommittee,** or the council feels is necessary and proper to assist the ~~committee, the~~ subcommittee or the council in carrying out its duties.

SECTION 32. IC 2-5-23 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Health Finance Commission).

SECTION 33. IC 2-5-25 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Water Resources Study Committee).

SECTION 34. IC 2-5-27.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Developmental Disabilities).

SECTION 35. IC 2-5-28.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Joint Study Committee on Transportation and Infrastructure Assessment and Solutions).

SECTION 36. IC 2-5-29-1.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 1.5. As used in this chapter, "fund" refers to the youth advisory council fund established by section 7.5 of this chapter.~~

SECTION 37. IC 2-5-29-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7.5. (a) The youth advisory council fund is established as a dedicated fund to be administered by the office. The fund consists of:~~

~~(1) appropriations made to the fund by the general assembly; and~~

~~(2) grants, gifts, and donations intended for deposit in the fund.~~

~~(b) Expenses of administering the fund shall be paid from money in the fund.~~

~~(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.~~

~~(d) Money in the fund at the end of a fiscal year does not revert to the state general fund.~~

~~(c) Money in the fund is available, with the approval of the budget agency, to augment and supplement the funds appropriated to the department of education to implement this chapter.~~

SECTION 38. IC 2-5-30 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Unemployment Insurance Oversight Committee).

SECTION 39. IC 2-5-31.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Interim Study Committee on Economic Development).

SECTION 40. IC 2-5-33.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Interim Study Committee on Insurance).

SECTION 41. IC 2-5-33.4 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Criminal Law and Sentencing Policy Study Committee).

SECTION 42. IC 2-5-36-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. The commission and this chapter expire January 1, 2019.**

SECTION 43. IC 2-5-36.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Child Services Oversight Committee).

SECTION 44. IC 2-5-36.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Special Group Recognition License Plate Committee).

SECTION 45. IC 2-5-36.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Interim Study Committee on Government Accounting).

SECTION 46. IC 2-5-36.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Land Bank Study Committee).

SECTION 47. IC 2-5-38.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Education Study Committee).

SECTION 48. IC 3-6-4.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. As authorized by 42 U.S.C. 15512, if the commission determines that there is a violation of any provision of Title III, the commission shall determine and provide the appropriate remedy if authorized by law to do so. If providing the remedy would require additional or amended Indiana legislation, the commission shall notify the ~~census data advisory committee~~ **interim study committee on elections established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** and provide recommendations regarding the form and content of this legislation.

SECTION 49. IC 4-3-22-13, AS AMENDED BY P.L.131-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Except as provided in subsection (e),

the OMB shall perform a cost benefit analysis upon each proposed rule and provide to:

(1) the governor; and

(2) the ~~administrative rules oversight committee established under IC 2-5-18;~~ **legislative council;**

an assessment of the rule's effect on Indiana business. The OMB shall submit the cost benefit analysis to the ~~committee~~ **legislative council** in an electronic format under IC 5-14-6.

(b) After June 30, 2005, the cost benefit analysis performed by the OMB under this section with respect to any proposed rule that has an impact of at least five hundred thousand dollars ($500,000) shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by the legislative services agency under IC 4-22-2.

(c) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information in connection with a cost benefit analysis under this section. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. The OMB and any agency involved in proposing the rule, or in administering the rule upon the rule's adoption, shall exercise all necessary caution to avoid disclosure of any

confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the ~~administrative rules oversight committee~~ **legislative council** under subsection (a).

(d) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (c), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.

(e) If the OMB finds that a proposed rule is:

(1) an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule; or

(2) a technical amendment with no substantive effect on an existing Indiana rule;

the OMB may not prepare a cost benefit analysis of the rule under this section. The agency shall submit the proposed rule to the OMB with a statement explaining how the proposed rule meets the requirements of this subsection. If the OMB finds that the rule meets the requirements of this subsection, the OMB shall provide its findings to the governor and to the committee in an electronic format under IC 5-14-6. If the agency amends or modifies the proposed rule after the OMB finds that a cost benefit analysis may not be prepared for the rule, the agency shall resubmit the proposed rule to the OMB either for a new determination that the rule meets the requirements of this subsection, or for the OMB to prepare a cost benefit analysis of the rule under this section.

SECTION 50. IC 4-3-22-13.1, AS ADDED BY P.L.131-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) This section applies to a rule that:

(1) has been adopted under IC 4-22-2 or IC 13-14-9; and

(2) has taken effect;

after December 31, 2011.

(b) This section does not apply to a rule for which the OMB has not

performed a cost benefit analysis under section 13(e) of this chapter.

~~(c) As used in this section, "committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.~~

~~(d)~~ **(c)** For each rule to which this section applies, the OMB shall perform a cost benefit analysis of the rule with respect to the period encompassing the first three (3) years following the rule's effective date. Except as otherwise required by the governor ~~or the committee~~ under subsection ~~(h),~~ **(g),** the OMB shall submit a cost benefit analysis prepared under this section to:

(1) the governor; and

(2) the ~~committee;~~ **legislative council;**

not later than six (6) months after the third anniversary of the rule's effective date. The OMB shall submit the cost benefit analysis to the ~~committee~~ **legislative council** in an electronic format under IC 5-14-6.

~~(e)~~ **(d)** A cost benefit analysis prepared under this section must include the following with respect to the three (3) year period covered by the analysis:

(1) The cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's adoption, including the following:

(A) The information required by Financial Management Circular #2010-4.

(B) The estimate of the primary and direct benefits of the rule, including the impact on:

(i) consumer protection;

(ii) worker safety;

(iii) the environment; and

(iv) business competitiveness;

as determined before the rule's adoption.

(C) The estimate of the secondary or indirect benefits of the rule and the explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits, as determined before the rule's adoption.

(D) The estimate of any cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from:

(i) a change in an existing requirement; or

(ii) the imposition of a new requirement;

as determined before the rule's adoption.

(2) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

(3) A comparison of:

(A) the cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's implementation, including the information specified in subdivision (1); and

(B) the actual costs and benefits of the rule during the first three (3) years of the rule's implementation, including the following:

(i) Any actual primary and direct benefits of the rule, including the rule's impact on consumer protection, worker safety, the environment, and business competitiveness.

(ii) Any actual secondary or indirect benefits of the rule and an explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits.

(iii) Any actual cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from a change in an existing requirement or from the imposition of a new requirement.

(4) For each element of the rule that is also the subject of restrictions or requirements imposed under federal law, a comparison of:

(A) the restrictions or requirements imposed under the rule; and

(B) the restrictions or requirements imposed under federal law.

(5) Any other information that the governor or the committee:

(A) requires with respect to a cost benefit analysis under this section; and

(B) requests in writing.

~~(f)~~ **(e)** In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any

materials, documents, or other information. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. The OMB and any agency involved in administering the rule shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the ~~committee~~ **legislative council** under subsection ~~(d).~~ **(c).**

~~(g)~~ **(f)** If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection ~~(c),~~ **(d),** the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.

~~(h)~~ **(g)** The governor or the ~~committee,~~ **legislative council,** or both, may prescribe:

(1) the form of a cost benefit analysis; and

(2) the process, deadlines, and other requirements for submitting a cost benefit analysis;

required under this section.

SECTION 51. IC 4-4-11-46, AS ADDED BY HEA 1286-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 46. Not later than August 1 of each year, the public finance director shall prepare for ~~presentation to~~ the ~~joint~~ **interim** study committee on **roads and** transportation ~~and infrastructure assessment and solutions established by IC 2-5-28.5-2~~ a

report that includes the following:

(1) Updates on transportation projects in which the authority is involved, including public-private agreements under IC 8-15.5 or public-private partnerships under IC 8-15.7.

(2) Any other information requested by the ~~joint~~ study committee.

The report must be submitted in an electronic format under IC 5-14-6.

SECTION 52. IC 4-10-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each state agency required to prepare reports under the provisions of this chapter may, after consultation with and agreement by the ~~commission on state tax and financing policy~~ **interim study committee on fiscal policy established by IC 2-5-1.3-4,** add to or omit specific categories of data from the reports required by this chapter. **Reports submitted to the legislative council under section 7 of this chapter or another provision of this chapter shall be submitted in an electronic format under IC 5-14-6.**

SECTION 53. IC 4-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The manner of publication of any of the reports as herein required shall be prescribed by the state budget committee, and the cost of publication shall be paid from funds appropriated to such state agencies and allocated by the state budget committee to such agencies for such purpose.

(b) A copy of such reports shall be presented to the governor, the department of local government finance, the budget committee, the ~~commission on state tax and financing~~ **interim study committee on fiscal** policy **established by IC 2-5-1.3-4 and** the legislative council **in an electronic format under IC 5-14-6**, and to any other state agency that may request a copy of such reports. A report presented under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 54. IC 4-22-2-0.1, AS ADDED BY P.L.220-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The amendments made to this chapter by P.L.44-1995 apply as follows:

(1) The amendments made to sections 13, 19, 23, 25, and 28 of this chapter apply to a rulemaking action that commences after

June 30, 1995.

(2) The addition of sections 23.1 and 46 **(repealed)** of this chapter applies to a rulemaking action that commences after June 30, 1995.

SECTION 55. IC 4-22-2-3.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3.2. As used in this chapter, "administrative rules oversight committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.~~

SECTION 56. IC 4-22-2-19, AS AMENDED BY P.L.123-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Except as provided in section 23.1 of this chapter, this section does not apply to the adoption of rules:

(1) required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a program established under federal law;

(2) that amend an existing rule;

(3) required or authorized by statutes enacted before June 30, 1995; or

(4) required or authorized by statutes enacted before June 30, 1995, and recodified in the same or similar form after June 29, 1995, in response to a program of statutory recodification conducted by the code revision commission.

(b) If an agency will have statutory authority to adopt a rule at the time that the rule becomes effective, the agency may conduct any part of its rulemaking action before the statute authorizing the rule becomes effective.

(c) However, an agency shall:

(1) begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule; or

(2) if an agency cannot comply with subdivision (1), provide

~~(A) written notification to the administrative rules oversight committee; and~~

~~(B)~~ electronic notice to the publisher

stating the reasons for the agency's noncompliance.

~~(d) If an agency notifies the administrative rules oversight~~

~~committee concerning a rule in compliance with subsection (c)(2) failure to adopt the rule within the time specified in subsection (c)(1) does not invalidate the rule.~~

SECTION 57. IC 4-22-2-20, AS AMENDED BY P.L.291-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, ~~the administrative rules oversight committee established by IC 2-5-18-4,~~ or the governor under this chapter, the agency shall submit the rule in the form of a written document that:

(1) is clear, concise, and easy to interpret and to apply; and

(2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, all documents submitted to the publisher under this chapter must be submitted electronically in the format specified by the publisher.

~~(c) Except as otherwise permitted under section 21 of this chapter, after June 30, 2013, all documents submitted by the office of management and budget or an agency proposing or adopting a rule to the members of the administrative rules oversight committee must be submitted in an electronic format under IC 5-14-6.~~

SECTION 58. IC 4-22-2-25, AS AMENDED BY P.L.123-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) An agency has one (1) year from the date that it publishes a notice of intent to adopt a rule in the Indiana Register under section 23 of this chapter to comply with sections 26 through 33 of this chapter and obtain the approval or deemed approval of the governor. If an agency determines that a rule cannot be adopted within one (1) year after the publication of the notice of intent to adopt a rule under section 23 of this chapter, the agency shall, before the two hundred fiftieth day following the publication of the notice of intent to adopt a rule under section 23 of this chapter

~~(1)~~ notify the ~~chairperson of the administrative oversight committee in writing of the:~~ **publisher by electronic means:**

~~(A)~~ **(1) the** reasons why the rule was not adopted and the expected date the rule will be completed; and

~~(B)~~ **(2) the** expected date the rule will be approved or deemed approved by the governor or withdrawn under section 41 of this

chapter. ~~and~~

~~(2) provide an electronic copy of the notice required under this subsection to the publisher.~~

(b) If a rule is not approved before the later of:

(1) one (1) year after the agency publishes notice of intent to adopt the rule under section 23 of this chapter; ~~or~~

(2) the expected date contained in a notice concerning the rule that is provided to ~~the administrative rules oversight committee~~ **the publisher** under subsection ~~(a)(2);~~ **(a);**

a later approval or deemed approval is ineffective, and the rule may become effective only through another rulemaking action initiated under this chapter.

SECTION 59. IC 4-22-2-28, AS AMENDED BY HEA 1332-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014 (RETROACTIVE)]: Sec. 28. (a) The following definitions apply throughout this section:

(1) "Ombudsman" refers to the small business ombudsman designated under IC 4-4-35-8.

(2) "Total estimated economic impact" means the direct annual economic impact of a rule on all regulated persons after the rule is fully implemented under subsection (g).

(b) The ombudsman:

(1) shall review a proposed rule that:

(A) imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and

(B) is referred to the ombudsman by an agency under IC 4-22-2.1-5(c); and

(2) may review a proposed rule that imposes requirements or costs on businesses other than small businesses (as defined in IC 4-22-2.1-4).

After conducting a review under subdivision (1) or (2), the ombudsman may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses or other businesses. The agency that intends to adopt the proposed rule shall respond in writing to the ombudsman concerning the ombudsman's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter.

(c) Subject to subsection (e) and not later than fifty (50) days before

the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars ($500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by the rule. To assist the office of management and budget in preparing the fiscal impact statement required by subsection (d), the agency shall submit, along with the proposed rule, the data used and assumptions made by the agency in determining the total estimated economic impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the rule, and not more than forty-five (45) days after receiving a proposed rule under subsection (c), the office of management and budget shall prepare, using the data and assumptions provided by the agency proposing the rule, along with any other data or information available to the office of management and budget, a fiscal impact statement concerning the effect that compliance with the proposed rule will have on:

(1) the state; and

(2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic impact of the proposed rule and a determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision. The fiscal impact statement is a public document. The office of management and budget shall make the fiscal impact statement available to interested parties upon request and to the agency proposing the rule. The agency proposing the rule shall consider the fiscal impact statement as part of the rulemaking process and shall provide the office of management and budget with the information necessary to prepare the fiscal impact statement, including any economic impact statement prepared by the agency under IC 4-22-2.1-5. The office of management and budget may also receive and consider applicable information from the regulated persons affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give written notice to the office of management and budget of the proposed date of preliminary adoption of the proposed rule not less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal impact statement referred to in subsection (d) not later than twenty-one (21) days before the proposed date of preliminary adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated economic impact greater than five hundred thousand dollars ($500,000), the agency proposing the rule shall consider the impact of the rule on any regulated person that already complies with the standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to certain regulated persons; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all regulated persons that will be affected by the rule.

In determining the total estimated economic impact of a proposed rule under this section, the agency proposing the rule shall consider the annual economic impact on all regulated persons beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total estimated economic impact of a rule under this section.

(h) ~~This subsection applies to any proposed rule submitted under this section or section 40 of this chapter to the office of management and budget after June 30, 2013.~~ An agency shall provide the ~~administrative rules oversight committee~~ **legislative council in an electronic format under IC 5-14-6** with any analysis, data, and description of assumptions submitted to the office of management and budget under this section or section 40 of this chapter at the same time the agency submits the information to the office of management and budget. The office of management and budget shall provide the administrative rules oversight committee with any fiscal impact

statement and related supporting documentation prepared by the office of management and budget under this section or section 40 of this chapter at the same time the office of management and budget provides the fiscal impact statement to the agency proposing the rule. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(i) ~~This subsection applies to any analysis completed after June 30, 2013, to comply with a statute described in this subsection.~~ An agency shall provide the ~~administrative rules oversight committee~~ **legislative council in an electronic format under IC 5-14-6** with any economic impact or fiscal impact statement, including any supporting data, studies, or analysis, prepared for a rule proposed by the agency or subject to readoption by the agency to comply with:

(1) a requirement in section 19.5 of this chapter to minimize the expenses to regulated entities that are required to comply with the rule;

(2) a requirement in section 24 of this chapter to publish a justification of any requirement or cost that is imposed on a regulated entity under the rule;

(3) a requirement in IC 4-22-2.1-5 to prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented;

(4) a requirement in IC 4-22-2.5-3.1 to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses;

(5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish information concerning the fiscal impact of a rule or alternatives to a rule subject to these provisions; or

(6) a requirement under any other law to conduct an analysis of the cost, economic impact, or fiscal impact of a rule;

regardless of whether the total estimated economic impact of the proposed rule is more than five hundred thousand dollars ($500,000), as soon as practicable after the information is prepared. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the

publisher.

SECTION 60. IC 4-22-2-40, AS AMENDED BY P.L.291-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. (a) At any time before a rule is accepted for filing by the publisher under section 35, 37.1, or 38 of this chapter, the agency that adopted the rule may recall it. A rule may be recalled regardless of whether:

(1) the rule has been disapproved by the attorney general under section 32 of this chapter; **or**

~~(2) the administrative rules oversight committee has recommended under section 46 of this chapter that the governor disapprove the rule; or~~

~~(3)~~ **(2)** the rule has been disapproved by the governor under section 34 of this chapter.

(b) Sections 24 through 38 of this chapter do not apply to a recall action under this section. However, the agency shall distribute a notice of its recall action to the publisher for publication in the Indiana Register. Sections 24 and 26 of this chapter do not apply to a readoption action under subsection (c).

(c) After an agency recalls a rule, the agency may reconsider its adoption action and adopt an identical rule or a revised rule. However, if sections 24 through 36 of this chapter apply to the recalled rule, the readopted rule must comply with the requirements under section 29 of this chapter.

(d) The recall of a rule under this section voids any approval given after the rule was adopted and before the rule was recalled.

(e) If a rule is:

(1) subject to sections 31 and 33 of this chapter;

(2) recalled under subsection (a); and

(3) readopted under subsection (c);

the agency shall resubmit the readopted version of the recalled rule to the attorney general and the governor for approval. The attorney general and the governor have the full statutory period to approve or disapprove the readopted rule. If the recalled rule was submitted to the office of management and budget under section 28 of this chapter, the agency shall resubmit the readopted version of a recalled rule to the office of management and budget with sufficient information for the office of management and budget to evaluate whether its initial fiscal

impact statement under section 28 of this chapter needs to be revised. The office of management and budget shall revise a fiscal impact statement under section 28 of this chapter if the fiscal impact of the readopted rule is substantially different from the recalled rule. The agency also shall comply with any other applicable approval requirement provided by statute.

(f) The readopted version of a recalled rule is effective only after the agency has complied with section 35, 37.1, or 38 of this chapter.

SECTION 61. IC 4-22-2-46 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 46. (a) The administrative rules oversight committee shall carry out a program to review each rule (including a rule subject to IC 13-14-9):~~

~~(1) that is required to be submitted to the attorney general under IC 4-22-2-31 and submitted to the governor under IC 4-22-2-33; and~~

~~(2) that the agency proposing the rule or the office of management and budget determines has a total estimated economic impact of more than five hundred thousand dollars ($500,000).~~

~~(b) The administrative rules oversight committee may review under this section any proposed or adopted rule not described in subsection (a) for the purposes described in subsection (c)(1) through (c)(4).~~

~~(c) The administrative rules oversight committee shall review a rule under this section for the following:~~

~~(1) Direct economic impact.~~

~~(2) Compliance with the intent of the general assembly.~~

~~(3) The extent to which the rule creates an unfunded mandate on any state agency or political subdivision.~~

~~(4) The extent to which the rule complies with the standards in IC 4-22-2-19.5.~~

~~(d) In the case of a proposed rule reviewed under this section, the administrative rules oversight committee may recommend that the proposed rule be approved or disapproved by the governor or take any other action permitted under IC 2-5-18.~~

SECTION 62. IC 4-22-2.1-8, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a small business that is adversely affected or aggrieved by a rule that:

(1) is subject to this chapter;

(2) is finally adopted by an agency under IC 4-22-2-29; and

(3) has taken effect under IC 4-22-2-36.

(b) ~~In addition to or instead of filing a complaint with the administrative rules oversight committee under IC 2-5-18-8, and~~ Subject to subsection (c), a small business described in subsection (a) may file, in a court having jurisdiction, an action seeking a determination of the agency's compliance with the requirements of this chapter during the rulemaking process. Upon receipt of a complaint under this section, the court shall, at the earliest date possible, hear evidence on the matter and make a determination as to the agency's compliance with this chapter during the rulemaking process. If the court determines that the agency failed to comply with one (1) or more requirements of this chapter, the court may issue an order or injunction enjoining the agency from enforcing the rule with respect to the complaining small business and any similarly situated small businesses. A determination of the court under this section is final, subject to the right of direct appeal by either party.

(c) A small business that seeks a determination by a court under subsection (b) must file the action described in subsection (b) not later than one year (1) after the date the rule described in subsection (a) takes effect under IC 4-22-2-36.

SECTION 63. IC 4-22-7-7, AS AMENDED BY P.L.123-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to the following agency statements:

(1) Executive orders issued by the governor.

(2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.

(3) Official opinions of the attorney general (excluding advisory letters).

(4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.

(5) Any other statement:

(A) that:

(i) interprets, supplements, or implements a statute or rule;

(ii) has not been adopted in compliance with IC 4-22-2;

(iii) is not intended by its issuing agency to have the effect of law; and

(iv) may be used in conducting the agency's external affairs; or

(B) that specifies a policy that an agency relies upon to:

(i) enforce a statute or rule;

(ii) conduct an audit or investigation to determine compliance with a statute or rule; or

(iii) impose a sanction for violation of a statute or rule.

This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.

(6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute electronic copies of the statement to the publisher for publication and indexing in the Indiana Register (in the format specified by the publisher under IC 4-22-2) and the copies required by IC 4-23-7.1-26 to the Indiana library and historical department. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

(1) Title.

(2) Identification number.

(3) Date originally adopted.

(4) Date of last revision.

(5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.

(6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana library and

historical department. ~~and the administrative rules oversight committee.~~

SECTION 64. IC 5-10.5-4-1, AS ADDED BY P.L.177-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board shall do all of the following:

(1) Appoint and fix the salary of a director.

(2) Employ or contract with employees, auditors, technical experts, legal counsel, and other service providers as the board considers necessary to transact the business of the fund without the approval of any state officer, and fix the compensation of those persons.

(3) Establish a general office in Indianapolis for board meetings and for administrative personnel.

(4) Provide for the installation in the general office of a complete system of:

(A) books;

(B) accounts, including reserve accounts; and

(C) records;

to give effect to all the requirements of this article and to ensure the proper operation of the fund.

(5) Provide for a report at least annually to each member of the amount credited to the member in the annuity savings account in each investment program under IC 5-10.2-2.

(6) With the advice of the actuary, adopt actuarial tables and compile data needed for actuarial studies that are necessary for the fund's operation.

(7) Act on applications for benefits and claims of error filed by members.

(8) Have the accounts of the fund audited annually by the state board of accounts, and if the board determines that it is advisable, have the operation of a public pension or retirement fund of the system audited by a certified public accountant.

(9) Publish for the members a synopsis of the fund's condition.

(10) Adopt a budget on a calendar year or fiscal year basis that is sufficient, as determined by the board, to perform the board's duties and, as appropriate and reasonable, draw upon fund assets to fund the budget.

(11) Expend money, including income from the fund's

investments, for effectuating the fund's purposes.

(12) Establish personnel programs and policies for the employees of the system.

(13) Submit a financial report before November 1 each year to the governor, the **interim study committee on** pension management oversight ~~commission,~~ **established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6,** and the budget committee. The report under this subdivision must set forth a complete operating and financial statement covering its operations during the most recent fiscal year, and include any other information requested by the chair of the **interim study committee on** pension management oversight ~~commission.~~ **established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.** ~~The report must be submitted to the pension management oversight commission in an electronic format pursuant to IC 5-14-6.~~

(14) Provide the necessary forms for administering the fund.

(15) Submit to the auditor of state or the treasurer of state vouchers or reports necessary to claim an amount due from the state to the system.

SECTION 65. IC 5-14-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "report" includes any annual or other report that a public agency:

(1) voluntarily; or

(2) under a statutory directive;

submits to the entire membership of the general assembly, the legislative services agency, ~~or~~ the legislative council, **or a committee established under IC 2-5-1.3-4**. The term does not include any document prepared ~~for or~~ at the request of an individual member ~~or committee~~ of the general assembly.

SECTION 66. IC 5-14-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A public agency may not submit a report to the general assembly, the legislative services agency, ~~or~~ the legislative council, **or a committee established under IC 2-5-1.3-4** on paper.

(b) Notwithstanding any law, no funds appropriated to a public agency from the state treasury may be used to duplicate, print, distribute, or mail a report to the general assembly, the legislative

services agency, ~~or~~ the legislative council, **or a committee established under IC 2-5-1.3-4** in violation of this chapter.

SECTION 67. IC 5-14-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A public agency shall submit all reports in an electronic format specified by the executive director of the legislative services agency. Unless otherwise specified in statute, the electronic copy shall be delivered to the executive director of the legislative services agency.

(b) An agency that submits a report under subsection (a) shall do the following:

(1) Post, or cause to be posted, a copy of the report on the Internet.

(2) **Subject to the policies established by the legislative council,** send a copy of the report:

(A) for reports required to be sent to the entire membership of the general assembly, to each member of the general assembly;

(B) for reports required to be sent to the legislative council, to each member of the legislative council; and

(C) for reports required to be sent to a committee established under IC 2-5-1.3-4, **to each member of the committee;**

using the member's senate or house of representatives electronic mail address**. The legislative council may provide for the legislative services agency to make electronic distribution of reports under this subdivision instead of having the agency make the distribution.**

(c) The legislative services agency shall periodically compile reports received under this chapter on a CD-ROM or other suitable storage medium and shall distribute copies of the CD-ROM or other medium to any member of the general assembly who requests a copy.

SECTION 68. IC 5-22-14-11, AS AMENDED BY SEA 24-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The Indiana department of administration shall adopt rules under IC 4-22-2 to do the following:

(1) Increase contracting opportunities for Indiana veteran owned small businesses described in section 3.5 of this chapter with a goal to procure in each state fiscal year at least three percent (3%)

~~percent~~ of state contracts with Indiana veteran owned small businesses.

(2) Develop procurement policies and procedures to accomplish the goal described in subdivision (1), including guidelines to be followed by the Indiana department of administration in conducting the department's procurement efforts.

These procurement policies do not apply to a procurement of supplies and services to address immediate and serious government needs at a time of emergency, including a threat to the public health, welfare, or safety that may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, a threat proclaimed by the President of the United States or the governor, or a threat declared by the commissioner of the Indiana department of administration.

(b) The Indiana department of administration shall annually evaluate its progress in meeting the goal described in this section for the previous state fiscal year. Beginning in 2014, after June 30 and before November 1 of each year, the Indiana department of administration shall submit a report to the governor, the Indiana department of veterans' affairs, ~~the commission on military and veterans affairs,~~ **and the interim study committee on public safety and military affairs established by IC 2-5-1.3-4** and ~~in an electronic format under IC 5-14-6,~~ the legislative council **in an electronic format under IC 5-14-6.** The report must include:

(1) the percentage goal obtained by the Indiana department of administration during the previous state fiscal year; and

(2) a summary of why the Indiana department of administration failed to meet the goal and what actions are being taken by the Indiana department of administration to meet the goal in the current state fiscal year.

(c) The Indiana department of administration shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted. The Indiana department of veterans' affairs shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted by the Indiana department of administration.

SECTION 69. IC 5-28-6-1, AS AMENDED BY P.L.6-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 1. The corporation shall do the following:

(1) Create and regularly update a strategic economic development plan that includes the following:

(A) Identification of specific economic regions within Indiana and methods by which the corporation will implement more regional collaboration between the corporation and the various local economic development organizations within these regions.

(B) Methods by which the corporation will implement more collaboration between the corporation and the various state economic development organizations within the states contiguous to Indiana.

(2) Establish strategic benchmarks and performance measures.

(3) Monitor and report on Indiana's economic performance.

(4) Market Indiana to businesses worldwide.

(5) Assist Indiana businesses that want to grow.

(6) Solicit funding from the private sector for selected initiatives.

(7) Provide for the orderly economic development and growth of Indiana.

(8) Establish and coordinate the operation of programs commonly available to all citizens of Indiana to implement a strategic plan for the state's economic development and enhance the general welfare.

(9) Evaluate and analyze the state's economy to determine the direction of future public and private actions, and report and make recommendations to the general assembly in an electronic format under IC 5-14-6 with respect to the state's economy. The report prepared under this subdivision must include recommendations for strategies and plans for collaboration by the corporation with:

(A) local economic development organizations within geographic regions in Indiana; and

(B) the various state economic development organizations within the states contiguous to Indiana.

(10) Conduct a statewide study to determine specific economic sectors that should be emphasized by the state and by local economic development organizations within geographic regions in Indiana.

(11) Report in an electronic format under IC 5-14-6 the results of

the study conducted under subdivision (10) to the interim study committee on **commerce and** economic development established by ~~IC 2-5-31.8-1.~~ **IC 2-5-1.3-4.**

SECTION 70. IC 5-28-11-10, AS ADDED BY P.L.172-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The corporation shall collaborate with local economic development organizations throughout Indiana. Before August 1 each year through 2014, the corporation shall submit a ~~written~~ report to the interim study committee on **commerce and** economic development established by ~~IC 2-5-31.8-1,~~ **IC 2-5-1.3-4 in an electronic format under IC 5-14-6,** indicating how the corporation has collaborated with local economic development organizations during the previous state fiscal year.

SECTION 71. IC 6-1.1-12.1-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 11. On a quadrennial basis, the general assembly shall provide for an evaluation of the provisions of this chapter, giving first priority to using the Indiana economic development corporation established under IC 5-28-3. The evaluation must be a fiscal analysis, including an assessment of the effectiveness of the provisions of this chapter to:~~

~~(1) create new jobs;~~

~~(2) increase income; and~~

~~(3) increase the tax base;~~

~~in the jurisdiction of the designating body. The fiscal analysis may also consider impacts on tax burdens borne by various classes of property owners. The fiscal analysis may also include a review of the practices and experiences of other states or political subdivisions with laws similar to the provisions of this chapter. The board of the Indiana economic development corporation established under IC 5-28-4 or another person or entity designated by the general assembly shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives before December 1, 1999, and every fourth year thereafter.~~

SECTION 72. IC 6-1.1-17-3.7, AS ADDED BY P.L.257-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.7. (a) This section authorizes a three (3) year pilot program to allow county fiscal bodies of designated counties to carry out a more thorough nonbinding review of the proposed

budgets, property tax rates, and property tax levies of all taxing units in those counties. The general assembly finds that, because of the enactment of property tax credits under IC 6-1.1-20.6, there is an even greater need for taxing units to cooperate in the adoption of their budgets, property tax rates, and property tax levies.

(b) The department of local government finance may establish a pilot program concerning nonbinding review of budgets, property tax rates, and property tax levies as provided in this section. The role of the department of local government finance in the pilot program is to develop the framework for the continuation of a more thorough nonbinding review in all counties without the direct involvement of the department of local government finance.

(c) For a county to be eligible for designation as a pilot county participating in the pilot program:

(1) the county fiscal body must adopt a resolution approving the submission of an application to be designated as a pilot county; and

(2) the county fiscal body must submit to the department of local government finance before the date specified by the department:

(A) an application in the form and containing the information prescribed by the department; and

(B) a copy of the resolution adopted under subdivision (1).

(d) After reviewing applications submitted under subsection (c), the department of local government finance may designate not more than three (3) counties that submit an application under subsection (c) as pilot counties under this section. In determining which counties are designated as pilot counties, the department of local government finance shall attempt to achieve diversity among designated counties based on:

(1) the geographical location of the counties;

(2) the population of the counties; and

(3) whether the counties are primarily rural or urban.

(e) The department of local government finance shall notify each taxing unit in a pilot county of:

(1) the designation of the county as a pilot county; and

(2) the duties of the taxing unit under this section.

(f) The following apply in 2014 and thereafter:

(1) Each taxing unit in a pilot county shall, before September 2 of

each year, file with the department of local government finance and with the county fiscal body:

(A) the taxing unit's proposed budgets, property tax rates, and property tax levies for the following calendar year;

(B) a statement of whether:

(i) a petition and remonstrance process has been initiated under IC 6-1.1-20 concerning a controlled project of the taxing unit;

(ii) a public question under IC 6-1.1-20 concerning a controlled project of the taxing unit has been certified and will be on the election ballot;

(iii) a referendum tax levy question under IC 20-46-1 has been certified and will be on the election ballot; or

(iv) the taxing unit anticipates that it will during the following eighteen (18) months either adopt a resolution or ordinance under IC 6-1.1-20 making a preliminary determination to issue bonds or enter into a lease concerning a controlled project of the taxing unit, or adopt a resolution under IC 20-46-1 to place a referendum tax levy question on the election ballot; and

(C) any additional information required by the department to prepare the analysis required under subdivision (4).

A school corporation providing information to the department of local government finance shall provide the information through the department's interactive and searchable Internet web site containing local government information (the Indiana gateway for governmental units). When formulating the taxing unit's estimated budget, property tax rate, and property tax levy under section 3 of this chapter, the proper officers of the taxing unit shall consider the estimated consequences of the property tax credits under IC 6-1.1-20.6 on the property taxes that will be collected by the taxing unit and the calculation of fund balances.

(2) A taxing unit in a pilot county that would otherwise be required to submit its proposed budgets, property tax rates, and property tax levies for nonbinding review under section 3.5 of this chapter is not required to do so, but the taxing unit must instead submit the information required by subdivision (1) to the department of local government finance.

(3) A taxing unit that is located in a pilot county and that is subject to binding review and approval of the taxing unit's budgets, property tax rates, and property tax levies under section 20 of this chapter or IC 36-3-6-9:

(A) remains subject to binding review and approval under those statutes and must submit the information required under those statutes to the appropriate fiscal body; and

(B) must also submit the information required by subdivision (1) to the department of local government finance.

(4) The department shall prepare an analysis of the proposed budgets, property tax rates, and property tax levies submitted by taxing units in each pilot county. The department of local government finance may establish appropriate procedures and conduct the appropriate analysis that meets the department's requirements for the review of a unit's budget under this chapter. The analysis prepared by the department must include at least the following:

(A) The estimated total property tax rate for each taxing district in the pilot county.

(B) The estimated total amount of property taxes to be levied in the pilot county.

(C) The estimated consequences of the property tax credits under IC 6-1.1-20.6 on:

(i) the property tax rates of each taxing unit and taxing district in the pilot county;

(ii) the expected total tax rate of each taxing district in the county; and

(iii) the property taxes that will be collected by each taxing unit in the pilot county.

(5) The department of local government finance shall, before October 2 of each year, provide the analysis prepared under subdivision (4) for a pilot county to the county fiscal body of the pilot county and to the fiscal body of each taxing unit in the pilot county. Upon request by the county fiscal body, representatives of the department of local government finance shall appear before the county fiscal body to review the analysis.

(6) The county fiscal body of a pilot county shall, on or before October 15 of each year:

(A) review the proposed budgets, property tax rates, and property tax levies of each taxing unit in the pilot county;

(B) review the expected total tax rate of each taxing district in the county; and

(C) issue a nonbinding recommendation to each taxing unit in the pilot county regarding the taxing unit's proposed budgets, property tax rates, and property tax levies.

The review and recommendation required to be carried out under this subdivision may be carried out by the full county fiscal body or by a committee appointed by the county fiscal body for that purpose.

(7) A recommendation by a county fiscal body must include a comparison of any increase in a taxing unit's budgets, property tax rates, and property tax levies to:

(A) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(B) increases in the budgets, property tax rates, and property tax levies of other taxing units in the county.

(8) After review under this section, a taxing unit must adopt its budget, property tax rates, and property tax levies by the date required under section 5 of this chapter.

(g) The county fiscal body of a pilot county may, before July 1 of a year, adopt a resolution discontinuing the county's participation in the pilot program. If a county fiscal body adopts such a resolution:

(1) the county fiscal body shall certify a copy of the resolution to the department of local government finance;

(2) the county's participation in the pilot program is terminated; and

(3) the department of local government finance shall attempt to replace the pilot county with another county that has applied to be designated as a pilot county.

(h) The department of local government finance shall, before November 1, 2014, and each year thereafter, report to the ~~commission on state tax and financing policy~~ **interim study committee on fiscal policy established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** concerning the pilot program and whether the nonbinding

review under the pilot program is fostering cooperation among taxing units in the adoption of their budgets, property tax rates, and property tax levies.

(i) This section expires January 1, 2017.

SECTION 73. IC 7.1-5-12-14, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. Beginning in 2013, the commission shall present an annual report to the ~~health finance commission~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** concerning the implementation and enforcement activities taken under this chapter. The report must include the number of smoking related inspections conducted and violations for the previous calendar year. The commission shall submit the report in electronic format under IC 5-14-6 to the legislative services agency not later than September 1 of each year.

SECTION 74. IC 8-1-1.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) There is created the advisory council to the office of the utility consumer counselor. The council consists of ~~ten (10)~~ **nine (9)** members. Each Indiana congressional district must be represented by at least one (1) individual appointed under this section who is a resident of that congressional district. **However, the reduction in membership of the council from ten (10) members to nine (9) shall be accomplished as the terms of members end and new members are appointed. Until the expiration of the term of a member who is serving on the council on January 1, 2014, and resides in the same congressional district as another member, the council consists of ten (10) members.**

(b) Members of the council, including those filling vacancies occurring in the council membership, shall be appointed by the governor. All members shall be appointed to a term of four (4) years, except those who have been appointed to fill a vacancy in the council whose term will be the unexpired portion of the term. All members shall serve until their successor has been duly appointed and qualified.

(c) The membership shall be representative of the various sectors of Indiana economy, including, but not limited to: agriculture, business and industry, labor, and local government.

(d) The members shall annually elect of themselves a chairman.

(e) Members are entitled to receive per diem and travel expense reimbursement at the standard rates provided for state employees for expenses they incur in the performance of their duties under this chapter subject to the approval of the consumer counselor.

SECTION 75. IC 8-1-2.5-9, AS AMENDED BY P.L.256-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) As used in this section, "committee" means the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4.**

~~(a)~~ **(b)** The ~~regulatory flexibility~~ committee ~~established under IC 8-1-2.6-4~~ shall ~~also~~ monitor changes and competition in the energy utility industry.

~~(b)~~ **(c)** The commission shall before August 15 of each year prepare for presentation to the ~~regulatory flexibility~~ committee an analysis of the effects of competition or changes in the energy utility industry on service and on the pricing of all energy utility services under the jurisdiction of the commission.

~~(c)~~ **(d)** In addition to reviewing the commission report prepared under subsection ~~(b),~~ **(c),** the ~~regulatory flexibility~~ committee shall also issue a report and recommendations to the legislative council before November 1 of each year that are based on a review of the following issues:

(1) The effects of competition or changes in the energy utility industry and the impact of the competition or changes on the residential rates.

(2) The status of modernization of the energy utility facilities in Indiana and the incentives required to further enhance this infrastructure.

(3) The effects on economic development of this modernization.

(4) The traditional method of regulating energy utilities and the method's effectiveness.

(5) The economic and social effectiveness of traditional energy utility service pricing.

(6) The effects of legislation enacted by the United States Congress.

(7) All other energy utility issues the committee considers appropriate; however, it is not the intent of this section to provide for the review of the statutes cited in section 11 of this chapter.

The report and recommendations issued under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

~~(d)~~ **(e)** This section:

(1) does not give a party to a collective bargaining agreement any greater rights under the agreement than the party had before January 1, 1995;

(2) does not give the committee the authority to order a party to a collective bargaining agreement to cancel, terminate, amend, or otherwise modify the collective bargaining agreement; and

(3) may not be implemented by the committee in a way that would give a party to a collective bargaining agreement any greater rights under the agreement than the party had before January 1, 1995.

~~(e)~~ **(f)** ~~The regulatory flexibility committee shall meet on the call of the co-chairs to study energy utility issues described in subsection (c).~~ The committee shall, with the approval of the commission, retain independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid with funds from the public utility fees assessed under IC 8-1-6.

~~(f) The legislative services agency shall provide staff support to the committee.~~

~~(g) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.~~

SECTION 76. IC 8-1-2.6-4, AS AMENDED BY P.L.241-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a) A regulatory flexibility committee is established to monitor competition in the telecommunications industry.~~

~~(b) The committee is composed of the members of a house standing committee selected by the speaker of the house of representatives and a senate standing committee selected by the president pro tempore of the senate. In selecting standing committees under this subsection, the speaker and president pro tempore shall determine which standing committee of the house of representatives and the senate, respectively, has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of~~

~~the regulatory flexibility committee. The chairpersons of the standing committees selected under this subsection shall co-chair the regulatory flexibility committee.~~

(a) As used in this section, "committee" means the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4.

~~(c)~~ **(b)** Subject to subsection ~~(f),~~ **(e),** the commission shall, by July 1 of each year, report to the ~~regulatory flexibility~~ committee **in an electronic format under IC 5-14-6** on the following:

(1) The effects of competition and technological change on universal service and on pricing of all telecommunications services offered in Indiana.

(2) The status of competition and technological change in the provision of video service (as defined in IC 8-1-34-14) available to Indiana customers, as including the following information:

(A) The number of multichannel video programming distributors offering video service to Indiana customers.

(B) The technologies used to provide video service to Indiana customers.

(C) The advertised programming and pricing options offered by video service providers to Indiana customers.

~~(3) Beginning with the report due July 1, 2007, and in each report due in an odd-numbered year after July 1, 2007:~~

~~(A) an identification of all telecommunications rules and policies that are eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and~~

~~(B) an explanation why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers.~~

~~This subdivision expires June 30, 2013.~~

~~(4)~~ **(3)** Best practices concerning vertical location of underground facilities for purposes of IC 8-1-26. A report under this subdivision must address the viability and economic feasibility of technologies used to vertically locate underground facilities.

~~(d)~~ **(c)** In addition to reviewing the commission report prepared under subsection ~~(c),~~ **(b),** the ~~regulatory flexibility~~ committee may also issue a report and recommendations to the legislative council by

November 1 of each year that is based on a review of the following issues:

(1) The effects of competition and technological change in the telecommunications industry and impact of competition on available subsidies used to maintain universal service.

(2) The status of modernization of the publicly available telecommunications infrastructure in Indiana and the incentives required to further enhance this infrastructure.

(3) The effects on economic development and educational opportunities of the modernization described in subdivision (2).

(4) The current methods of regulating providers, at both the federal and state levels, and the effectiveness of the methods.

(5) The economic and social effectiveness of current telecommunications service pricing.

(6) All other telecommunications issues the committee deems appropriate.

The report and recommendations issued under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

~~(c)~~ **(d)** ~~The regulatory flexibility committee shall meet on the call of the co-chairpersons to study telecommunications issues described in subsection (d).~~ The committee shall, with the approval of the commission, retain the independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid by the commission.

~~(f)~~ **(e)** If the commission requests a communications service provider (as defined in section 13(b) of this chapter) to provide information for the commission to use in preparing a report under this section, the request must be limited to public information provided to the Federal Communications Commission and may be required to be provided only in the form in which it is provided to the Federal Communications Commission. However, the commission may request any public information from a communications service provider (as defined in section 13(b) of this chapter) upon a request from the committee's ~~co-chairpersons~~ **chairperson** that specifically enumerates the public information sought.

SECTION 77. IC 8-1-2.6-4.1, AS AMENDED BY P.L.256-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) Not later than:

(1) July 1, 2007; and

(2) July 1 of each odd-numbered year after July 1, 2007;

the commission shall, through a rulemaking proceeding under IC 4-22-2 or another commission proceeding, identify and eliminate rules and policies concerning telecommunications service and telecommunications service providers if the rules or policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications services.

~~(b) Not later than July 1, 2007, the commission shall adopt rules under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:~~

~~(1) the option of basic telecommunications service; and~~

~~(2) any regulatory protections, including pricing or quality of service protections, that the residential customer would forego by switching to nonbasic telecommunications service.~~

~~This subsection expires June 30, 2013.~~

~~(c)~~ **(b)** A rule adopted under subsection (b) **(as subsection (b) was in effect** before its expiration on June 30, 2013) is void after June 30, 2013.

~~(d) In carrying out this section, the commission shall promote the policies and purposes set forth in this chapter. Beginning in 2007, and in each odd-numbered year after 2007, the commission's annual report to the regulatory flexibility committee under section 4 of this chapter must:~~

~~(1) identify any regulation or policy eliminated by the commission under this section during the two (2) most recent state fiscal years; and~~

~~(2) explain why the regulation or policy is no longer in the public interest or necessary to protect consumers.~~

~~This subsection expires June 30, 2013.~~

SECTION 78. IC 8-1-8.8-14, AS AMENDED BY P.L.150-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The group shall conduct an annual study on the use, availability, and economics of using in Indiana the clean energy resources listed in IC 8-1-37-4(a)(1) through IC 8-1-37-4(a)(6).

The commission may direct the group to study additional clean energy resources as the commission considers appropriate. Each year, the group shall submit a report on the study to the commission for inclusion in the commission's annual report to the ~~regulatory flexibility committee described in IC 8-1-2.5-9 and IC 8-1-2.6-4.~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.** The commission shall direct the group concerning the appropriate level of detail for the report. The report must include suggestions from the group to encourage the development and use of clean energy resources and technologies appropriate for use in Indiana.

SECTION 79. IC 8-1-30.5-3, AS ADDED BY P.L.87-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) For each calendar year, beginning with the calendar year ending December 31, 2012, each water utility shall submit to the commission, on a form or in the manner prescribed by the commission, a report on the following:

(1) The types of use of the water resources used by the water utility in providing water service to the water utility's Indiana customers.

(2) The water utility's operations and maintenance costs in providing water service to the water utility's Indiana customers.

(b) The commission shall prescribe the form of the report and the process, deadlines, and other requirements for submitting the report required under this section. However, the commission shall collect the following information for each water utility with respect to the calendar year for which a particular report is submitted:

(1) The number of Indiana customers served by the water utility.

(2) A description of the water utility's service territory in Indiana.

(3) The total utility plant in service with respect to the water utility's Indiana customers.

(4) The amount and location of the water resources used by the water utility to provide water service to the water utility's Indiana customers.

(5) The availability and location of additional water resources that could be used, if necessary, by the water utility to provide water service to Indiana customers.

(6) The amount of funding received, including the purpose of the

funding, from the following sources:

(A) A state revolving loan program under IC 13-18.

(B) The office of community and rural affairs established by IC 4-4-9.7-4.

(C) United States Department of Agriculture rural development loans and grants.

(D) The Indiana bond bank.

(E) The issuance of any debt instruments for the purpose of raising capital to fund infrastructure projects.

(c) Upon receiving the annual reports required under this section, the commission shall compile and organize the data and information contained in the reports. Subject to subsection (d)(1), the commission shall include a summary of the data and information contained in the reports, along with the recommendations described in subsection (d)(2), in:

(1) an annual report to be submitted by the commission to the legislative council not later than November 1 of each year; and

(2) the commission's annual report on the water and wastewater industries provided to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications** established by ~~IC 8-1-2.6-4.~~ **IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

The annual report to the legislative council required by subdivision (1) must be in an electronic format under IC 5-14-6.

(d) In making the reports required under subsection (c), the commission shall:

(1) use aggregated data in a manner that:

(A) protects the confidential information of individual water utilities; and

(B) is consistent with IC 5-14-3-4; and

(2) include in the reports recommendations concerning:

(A) the efficient use of financial resources by water utilities;

(B) necessary infrastructure investments by water utilities; and

(C) actions designed to minimize impacts on the rates and charges imposed on water and wastewater customers.

SECTION 80. IC 8-1-32.5-6, AS AMENDED BY P.L.256-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsection (c),

before a communications service provider may offer communications service to customers in Indiana, the communications service provider must apply to the commission for a certificate of territorial authority. A communications service provider that seeks a certificate under this chapter shall submit an application on a form prescribed by the commission. Subject to subsection (e), the form prescribed by the commission must require the communications service provider to report the following information:

(1) The provider's legal name and any name under which the provider does or will do business in Indiana, as authorized by the secretary of state.

(2) The provider's address and telephone number, along with contact information for the person responsible for ongoing communications with the commission.

(3) The legal name, address, and telephone number of the provider's parent company, if any.

(4) A description of each service area in Indiana in which the provider proposes to offer communications service.

(5) For each service area identified under subdivision (4), a description of each type of communications service that the provider proposes to offer in the service area.

(6) For each communications service identified under subdivision (5), whether the communications service will be offered to residential customers or business customers, or both.

(7) The expected date of deployment for each communications service identified under subdivision (5) in each service area identified in subdivision (4).

(8) A list of other states in which the provider offers communications service, including the type of communications service offered.

(9) Any other information the commission considers necessary to:

(A) monitor the type and availability of communications service provided to Indiana customers; and

(B) prepare, **under IC 8-1-2.6-4,** the commission's annual report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** ~~under IC 8-1-2.6-4~~ **in an electronic format under IC 5-14-6**.

The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 8 of this chapter.

(b) A communications service provider shall also submit, along with the application required by subsection (a), the following documents:

(1) A certification from the secretary of state authorizing the provider to do business in Indiana.

(2) Information demonstrating the provider's financial, managerial, and technical ability to provide each communications service identified in the provider's application under subsection (a)(5) in each service area identified under subsection (a)(4).

(3) A statement, signed under penalty of perjury by an officer or another person authorized to bind the provider, that affirms the following:

(A) That the provider has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering communications service in Indiana.

(B) That the provider agrees to comply with any customer notification requirements imposed by the commission under section 11(b) of this chapter.

(C) That the provider agrees to update the information provided in the application submitted under subsection (a) on a regular basis, as may be required by the commission under section 12 of this chapter.

(D) That the provider agrees to notify the commission when the provider commences offering communications service in each service area identified in the provider's application under subsection (a)(4).

(E) That the provider agrees to pay any lawful rate or charge for switched and special access services, as required under any:

(i) applicable interconnection agreement; or

(ii) lawful tariff or order approved or issued by a regulatory body having jurisdiction.

(F) That the provider agrees to report, at the times required by the commission, any information required by the commission

under IC 8-1-2.6-13(c)(9).

(c) If:

(1) a communications service provider has been issued a:

(A) certificate of territorial authority; or

(B) certificate of public convenience and necessity;

by the commission before July 1, 2009; and

(2) the certificate described in subdivision (1) is in effect on July 1, 2009;

the communications service provider is not required to submit an application under this section for as long as the certificate described in subdivision (1) remains in effect. For purposes of this subsection, if a corporation organized under IC 8-1-13 (or a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13) holds a certificate of public convenience and necessity issued by the commission before, on, or after July 1, 2009, that certificate may serve as the certificate required under this chapter with respect to any communications service offered by the corporation, subject to the commission's right to require the corporation to provide any information that an applicant is otherwise required to submit under subsection (a) or that a holder is required to report under IC 8-1-2.6-13(c)(9).

(d) This section does not empower the commission to require an applicant for a certificate under this chapter to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(e) The form prescribed for a communications service provider that offers only a service described in IC 8-1-2.6-1.1 must require the communications service provider to report and certify the accuracy of only the information required under subsection (a)(1) and (a)(2).

SECTION 81. IC 8-1-34-16, AS AMENDED BY P.L.219-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in section 21 of this chapter, after June 30, 2006:

(1) the commission is the sole franchising authority (as defined in 47 U.S.C. 522(10)) for the provision of video service in Indiana;

and

(2) a unit may not:

(A) require a provider to obtain a separate franchise;

(B) impose any fee, gross receipt tax, licensing requirement, rate regulation, or build-out requirement on a provider;

(C) regulate a holder or provider; or

(D) establish, fund, or otherwise designate an agency, a board, or another subordinate entity to monitor, supervise, evaluate, or regulate the holder or provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

(1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:

(A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering video service in Indiana.

(B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.

(C) That the applicant agrees to:

(i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and

(ii) recognize the police powers of a unit to enforce the ordinance or regulation.

(D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person, as required by section 22 of this chapter.

(2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.

(3) The address and telephone number of the applicant's principal

place of business, along with contact information for the person responsible for ongoing communications with the commission.

(4) The names and titles of the applicant's principal officers.

(5) The legal name, address, and telephone number of the applicant's parent company, if any.

(6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.

(7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).

(8) A list of other states in which the applicant provides video service.

(9) If the applicant will terminate an existing local franchise under section 21(b) of this chapter, a copy of the written notice sent to the municipality under section 21(c) of this chapter.

(10) Any other information the commission considers necessary to:

(A) monitor the provision of video service to Indiana customers; and

(B) prepare, **under IC 8-1-2.6-4,** the commission's annual report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** ~~under IC 8-1-2.6-4~~ **in an electronic format under IC 5-14-6.**

(c) This section does not empower the commission to require:

(1) an applicant to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information; or

(2) a provider to disclose more frequently than in each odd numbered year information regarding the areas in which an applicant has deployed, or plans to deploy, video services.

The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(d) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter.

(e) Nothing in this title may be construed to require an applicant or

a provider to disclose information that identifies by census block, street address, or other similar level of specificity the areas in which the applicant or provider has deployed, or plans to deploy, video service in Indiana. The commission may not disclose, publish, or report by census block, street address, or other similar level of specificity any information identifying the areas in Indiana in which an applicant or a provider has deployed, or plans to deploy, video service.

SECTION 82. IC 8-1-34-24.5, AS ADDED BY P.L.152-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.5. (a) This section applies to any unit that receives franchise fees paid to the unit under:

(1) a certificate issued by the commission under this chapter; or

(2) an unexpired local franchise issued by the unit before July 1, 2006;

with respect to a particular calendar year.

(b) For each calendar year, beginning with the calendar year ending December 31, 2012, each unit to which this section applies shall submit to the commission, on a form or in the manner prescribed by the commission, a report that includes the following information for each certificate or local franchise in effect in the unit during the calendar year for which the report is submitted:

(1) The amount of franchise fees paid to the unit under the certificate or local franchise.

(2) The account of the unit into which the franchise fees identified under subdivision (1) were deposited.

(3) The purposes for which any franchise fees received by the unit during:

(A) the calendar year for which the report is submitted; or

(B) a previous calendar year;

were used or spent by the unit during the calendar year for which the report is submitted.

(4) Any other information or data concerning the receipt and use of franchise fees that the commission considers appropriate.

(c) The commission shall prescribe the form of the report and the process, deadlines, and other requirements for submitting the report required under this section.

(d) Upon receiving the annual reports required under this section, the commission shall compile and organize the data and information

contained in the reports. The commission shall include a summary of the data and information contained in the reports in the commission's annual report on the communications industry provided, **under IC 8-1-2.6-4,** to the ~~regulatory flexibility committee established by~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** ~~IC 8-1-2.6-4~~ **in an electronic format under IC 5-14-6.** However, this subsection does not empower the commission to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(e) The commission may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this section. An emergency rule adopted by the commission under IC 4-22-2-37.1 expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36 and not ninety (90) days after the rule is accepted for filing as provided in IC 4-22-2-37.1(g). However, any emergency rules adopted by the commission under this subsection must take effect by a date that enables a unit subject to this section to comply with this section with respect to the calendar year ending December 31, 2012.

SECTION 83. IC 8-1-37-14, AS ADDED BY P.L.150-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Beginning in 2014, each participating electricity supplier shall report to the commission not later than March 1 of each year on the following:

(1) The participating electricity supplier's efforts, if any, during the most recently ended calendar year to meet the CPS goal applicable to the most recently ended calendar year.

(2) The total amount of renewable energy supplied to the participating electricity supplier's Indiana retail electric customers during the most recently ended calendar year, including a breakdown of the following:

(A) The amount of clean energy generated by facilities owned or operated by the participating electricity supplier. The participating electricity supplier shall identify each facility by:

(i) name and location;

(ii) total generating capacity;

(iii) total amount of electricity generated at the facility during the most recently ended calendar year, including the percentage of this amount that was supplied to the participating electricity supplier's Indiana retail electric customers; and

(iv) total amount of clean energy generated at the facility during the most recently ended calendar year, including the percentage of this amount that was supplied to the participating electricity supplier's Indiana retail electric customers.

(B) The amount of clean energy purchased from other suppliers of clean energy. The participating electricity supplier shall identify:

(i) each supplier from whom clean energy was purchased;

(ii) the amount of clean energy purchased from each supplier;

(iii) the price paid by the participating electricity supplier for the clean energy purchased from each supplier; and

(iv) to the extent known, the name and location of each facility at which the clean energy purchased from each supplier was generated.

(3) The number of CECs purchased by the participating electricity supplier during the most recently ended calendar year. The participating electricity supplier shall identify:

(A) each person from whom one (1) or more CECs was purchased;

(B) the price paid to each person identified in clause (A) for the CECs purchased;

(C) the number of CECs applied, if any, during the most recently ended calendar year to meet the CPS goal applicable to the most recently ended calendar year; and

(D) the number of CECs, if any, that the participating electricity supplier plans to carry over to the next succeeding CPS goal period, as permitted by section 12(f) of this chapter.

(4) The participating electricity supplier's plans for meeting the CPS goal applicable to the calendar year in which the report is submitted.

(5) Advances in clean energy technology that affect activities described in subdivisions (1) and (4).

(6) Any other information that the commission prescribes in rules adopted under IC 4-22-2.

For purposes of this subsection, amounts of clean energy and electricity shall be reported in megawatt hours. A participating electricity supplier's duty to submit a report under this subsection terminates after the participating electricity supplier has submitted the report that applies to the calendar year ending December 31, 2025.

(b) Beginning in 2014, the commission's annual report, **under IC 8-1-2.5-9(b),** to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** ~~under IC 8-1-2.5-9(b)~~ must include a summary of the information provided by participating electricity suppliers under subsection (a) with respect to the most recently ended calendar year. The commission's duty to include the information specified in this subsection in its annual report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and technology established by IC 2-5-1.3-4** terminates after the commission has submitted the information that applies to the calendar year ending December 31, 2025.

SECTION 84. IC 8-15-2-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) The authority shall establish a written procedure for allocating money to projects described in section 1(a)(3) and 1(a)(4) of this chapter.

(b) The procedure established under this section must include at least the following:

(1) An application procedure to identify projects that qualify for funding.

(2) Criteria for prioritizing projects.

(3) Procedures for selecting projects.

(4) Procedures for reporting the results of the selection process and the status of projects to the ~~commission on state tax and financing~~ **interim study committee on fiscal** policy **established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

(c) The prioritization and selection process under this section must give consideration to the following:

(1) The impact of the project on toll road usage.

(2) Consistency of the project with local transportation plans.

(3) The extent to which the project will have local financial participation relative to local available resources.

(4) The amount of vehicular traffic served.

(5) The potential local economic impact.

(6) Whether the project is deemed to be an emergency by the applicant and the authority.

SECTION 85. IC 8-23-2-5, AS AMENDED BY HEA 1286-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 5. (a) The department, through the commissioner or the commissioner's designee, shall:

(1) develop, continuously update, and implement:

(A) long range comprehensive transportation plans;

(B) work programs; and

(C) budgets;

to assure the orderly development and maintenance of an efficient statewide system of transportation;

(2) implement the policies, plans, and work programs adopted by the department;

(3) organize by creating, merging, or abolishing divisions;

(4) evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques;

(5) carry out public transportation responsibilities, including:

(A) developing and recommending public transportation policies, plans, and work programs;

(B) providing technical assistance and guidance in the area of public transportation to political subdivisions with public transportation responsibilities;

(C) developing work programs for the utilization of federal mass transportation funds;

(D) furnishing data from surveys, plans, specifications, and estimates required to qualify a state agency or political subdivision for federal mass transportation funds;

(E) conducting or participating in any public hearings to qualify urbanized areas for an allocation of federal mass transportation funding;

(F) serving, upon designation of the governor, as the state agency to receive and disburse any state or federal mass

transportation funds that are not directly allocated to an urbanized area;

(G) entering into agreements with other states, regional agencies created in other states, and municipalities in other states for the purpose of improving public transportation service to the citizens; and

(H) developing and including in its own proposed transportation plan a specialized transportation services plan for the elderly and persons with disabilities;

(6) provide technical assistance to units of local government with road and street responsibilities;

(7) develop, undertake, and administer the program of research and extension required under IC 8-17-7;

(8) allow public testimony in accordance with section 17 of this chapter whenever the department holds a public hearing (as defined in section 17 of this chapter); and

(9) adopt rules under IC 4-22-2 to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors.

(b) Rules adopted under subsection (a)(9):

(1) shall not unreasonably affect the cost, or impair the safety or reliability, of a utility service; and

(2) must require a utility to provide information concerning all authorized representatives of the utility for purposes of highway improvement projects and improvement projects undertaken by local units of government.

(c) A civil action may be prosecuted by or against the department, a department highway construction contractor, or a utility to recover costs and expenses directly resulting from willful violation of the rules. Nothing in this section or in subsection (a)(9) shall be construed as granting authority to the department to adopt rules establishing fines, assessments, or other penalties for or against utilities or the department's highway construction contractors.

(d) Based on information provided by utilities under rules described in subsection (b)(2), the department shall establish and publish on the

department's Internet web site a searchable data base of authorized representatives of utilities for purposes of improvement projects that involve the relocation of utility facilities. A utility that provides information described in subsection (b)(2) shall:

(1) update the information provided to the department on an annual basis; and

(2) notify the department of any change in the information not more than thirty (30) days after the change occurs.

(e) Not later than August 1 of each year, the department, through the commissioner or the commissioner's designee, shall prepare for ~~presentation to~~ the ~~joint~~ **interim** study committee on **roads and** transportation ~~and infrastructure assessment and solutions established by IC 2-5-28.5-2~~ a report that includes updates on the following:

(1) Transportation and infrastructure funding.

(2) Public-private agreements under IC 8-15.5.

(3) Public-private partnerships under IC 8-15.7.

(4) Reports and supplements prepared under IC 8-23-12.

(5) Programs and projects conducted in cooperation with Purdue University under IC 8-23-9-56.

(6) Any other information requested by the ~~joint~~ study committee.

The report must be submitted in an electronic format under IC 5-14-6.

SECTION 86. IC 8-23-9-56, AS AMENDED BY HEA 1286-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 56. (a) The department may cooperate with and assist Purdue University in developing the best methods of improving and maintaining the highways of the state and the respective counties. In so cooperating with Purdue University and for the purpose of developing and disseminating helpful information concerning road construction and improvement and the operation of the highways of the state and the counties, the department may expend money annually from the funds appropriated to the department's use for the use and benefit of Purdue University in carrying on programs of highway research and highway extension at or in connection with Purdue University and for the annual road school held at Purdue University. In addition, the money may be increased by federal funds, which may be made available to the department for the engineering and economic investigation of projects for future construction and for highway

research necessary in connection therewith.

(b) For the purpose of disseminating knowledge of the highway maintenance methods that are best suited to the various sections of Indiana, the county and state highway officials, in cooperation with Purdue University, may hold joint road meetings in the various sections of Indiana.

(c) The aid authorized by this section shall be paid quarterly by the department to Purdue University upon proper voucher.

(d) Not later than August 1 of each year, a representative of Purdue University shall prepare, in cooperation with the department under IC 8-23-2-5(e)(5), for ~~presentation to~~ the ~~joint~~ **interim** study committee on **roads and** transportation ~~and infrastructure assessment and solutions established by IC 2-5-28.5-2~~ a report that includes updates on the following:

(1) Programs or projects conducted under this section.

(2) Any other information requested by the ~~joint~~ study committee.

The report must be submitted in an electronic format under IC 5-14-6.

SECTION 87. IC 8-23-29-4, AS ADDED BY HEA 1104-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 4. Not later than July 1 of each year of the study, the department shall provide the results of the study to date ~~in an electronic format under IC 5-14-6~~ to the following:

~~(1) The joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2.~~

~~(2)~~ **(1)** The legislative council, i**n an electronic format under IC 5-14-6.**

~~(3)~~ **(2)** The governor.

SECTION 88. IC 9-13-2-33.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33.5. "Committee" for purposes of IC 9-18-25, has the meaning set forth in IC 9-18-25-0.5.**

SECTION 89. IC 9-13-2-93.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 93.3. "License plate committee", for purposes of IC 9-18-25, has the meaning set forth in IC 9-18-25-0.5.~~

SECTION 90. IC 9-14-2-1, AS AMENDED BY HEA 1286-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce:

(A) this title and other statutes concerning the bureau; and

(B) the policies and procedures of the bureau.

(2) Organize the bureau in the manner necessary to carry out the duties of the bureau.

(3) Submit budget proposals for the bureau to the budget director before September 1 of each year.

(4) Perform other duties as required by the bureau.

(5) Not later than August 1 of each year, prepare for ~~presentation to~~ the ~~joint~~ **interim** study committee on **roads and** transportation ~~and infrastructure assessment and solutions established by IC 2-5-28.5-2~~ a report that includes updates on the following:

(A) Significant policy changes, including changes in implementation.

(B) Contracts with third parties for performance of department responsibilities and functions.

(C) Projects or other undertakings required by law.

(D) Any other information requested by the ~~joint~~ study committee.

The report must be submitted in an electronic format under IC 5-14-6.

SECTION 91. IC 9-18-25-0.5, AS ADDED BY P.L.107-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, ~~"license plate~~ "committee" means the ~~special group recognition license plate committee established by IC 2-5-36.2-4.~~ **interim study committee on roads and transportation established by IC 2-5-1.3-4.**

SECTION 92. IC 9-18-25-2.3, AS ADDED BY P.L.107-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) Effective August 1, 2013, a special group that seeks initial participation in the special group recognition license plate program must submit a completed application to the bureau not later than April 1 for potential issuance in the following year. The application must contain the following:

(1) The name and address of the resident agent of the special group.

(2) Evidence of governance by a board of directors consisting of at least five (5) members, a majority of whom are outside

directors, who meet at least semiannually to establish policy for the special group and review the accomplishments of the special group.

(3) A copy of the:

(A) ethics statement;

(B) constitution and bylaws; and

(C) articles of incorporation as an entity that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code;

of the special group.

(4) Copies of the last three (3) consecutive:

(A) annual reports; and

(B) annual generally accepted auditing standards or government auditing standards audits;

of the special group.

(5) Evidence of appropriate use of resources and compliance with federal and state laws, including evidence of appropriate management and internal controls in order to ensure:

(A) compliance with law;

(B) that finances are used in compliance with the purpose statement of the special group; and

(C) maintenance as an entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.

(6) Evidence of transparency of financial and operational activities to include availability of current financial statements at any time upon the request of the bureau or a donor to the special group.

(7) Evidence of internal controls to prevent conflict of interest by board members and employees.

(8) A petition with the signatures of at least five hundred (500) residents of Indiana who pledge to purchase the special group recognition license plate.

(9) A statement of the designated use of any annual fee to be collected by the bureau.

(10) A copy of a certified motion passed by the board of directors of the special group requesting that the special group recognition license plate be issued by the bureau and stating the designated use of any annual fee to be collected by the bureau.

(11) Evidence of statewide public benefit from the special group.

(12) Evidence of statewide public benefit from the use of the annual fee collected by the bureau.

(13) Evidence that the special group's use of the annual fee to be collected by the bureau and the organizational purpose statement of the special group conform with at least one (1) of the following categories:

(A) Direct health care or medical research.

(B) Fraternal or service organizations.

(C) Government and quasi-government. For purposes of this clause, a special group that designates the use of the fees collected for deposit in the capital projects fund established by IC 9-18-49-5(a) is considered to have a quasi-government purpose.

(D) Military and veterans' affairs.

(E) Public and transportation safety.

(F) Universities located in Indiana for scholarships for Indiana residents.

(G) Agriculture, animals, and environment.

(14) Evidence that the organization has prohibitions and internal controls prohibiting advocacy of the following:

(A) Violation of federal or state law.

(B) Violation of generally accepted ethical standards or societal behavioral standards.

(C) Individual political candidates.

(b) The bureau shall review the application for a special group recognition license plate that has been submitted to the bureau under subsection (a). Upon satisfaction to the bureau of the completeness of the information in the application, the bureau shall forward the application to the ~~chairperson of the license plate committee for review by the license plate committee.~~ **executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee.**

SECTION 93. IC 9-18-25-2.5, AS ADDED BY P.L.107-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The ~~license plate~~ committee shall ~~meet at least two (2) times a year at the call of the chairperson to~~ review applications for special group recognition license plates that

have been forwarded to the ~~license plate~~ committee by the bureau under section 2.3(b) of this chapter.

(b) After reviewing the applications, the ~~license plate~~ committee shall:

(1) compile a list recommending new special group recognition license plates; and

(2) forward to the bureau by written means the list of recommended special groups that meet the suitability for issuance of a special group recognition license plate.

The ~~license plate~~ committee may not recommend more than five (5) new special group recognition license plates to the bureau under this subsection in a calendar year.

(c) After receiving the list forwarded under subsection (b)(2), the bureau shall conduct an independent review of the applications, taking into consideration the recommendations of the ~~license plate~~ committee. The bureau may issue a special group recognition license plate in the absence of a positive recommendation from the ~~license plate~~ committee. However, the bureau may not issue a special group recognition license plate unless the license plate has first been reviewed by the ~~license plate~~ committee and has been given a positive or negative recommendation to the bureau regarding that special group.

(d) The bureau may not issue more than five (5) special group recognition license plates for the first time in a year.

SECTION 94. IC 9-18-25-2.7, AS ADDED BY P.L.107-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. ~~(a) The bureau shall determine the date of first issuance of all special group recognition license plates in production as of July 1, 2013, and prepare a list of the results. The bureau shall forward the list to the license plate committee before September 1, 2013.~~

~~(b) Upon receipt of the list prepared under subsection (a), the license plate committee shall review the special group recognition license plates that were issued initially in 2003 or earlier. In the review, the license plate committee shall consider the criteria set forth in section 2.3(a) of this chapter and may seek evidence of the criteria from a special group. The license plate committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated for a special group that the license plate~~

~~committee finds is not suitable for inclusion in the program because the special group does not satisfy the criteria set forth in section 2.3(a) of this chapter.~~

~~(c)~~ **(a)** In 2014 and subsequent years, the bureau shall forward to the ~~license plate committee~~ **executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee** the name of a special group:

(1) that was awarded initially a special group recognition license plate by the bureau more than ten (10) years in the past; and

(2) whose special group recognition license plate has not been reviewed by the **special group recognition** license plate committee **established by IC 2-5-36.2-4 (repealed) or the committee** during the ten (10) year period following the initial or subsequent award of the special group recognition license plate.

Upon receipt of the name of a special group, the ~~license plate~~ committee shall require the special group to submit to the ~~license plate~~ committee evidence of the criteria set forth in section 2.3(a) of this chapter. Upon submission of the criteria, the ~~license plate~~ committee shall review ~~and recommend termination by the bureau as provided in subsection (b)~~ **the suitability of the special group to continue participating in the special group recognition license plate program. In the review, the committee shall consider the criteria set forth in section 2.3(a) of this chapter and may seek additional evidence of the criteria from a special group. The committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated** if the ~~license plate~~ committee finds that termination is appropriate because the special group is not suitable for inclusion in the special group license plate program.

~~(d)~~ **(b)** Upon receiving a recommendation of termination for a special group under subsection ~~(b) or (c),~~ **(a),** the bureau may:

(1) terminate the special group from participation in the special group recognition license plate program; or

(2) allow the special group to continue participating in the special group recognition license plate program for a period of not more than eighteen (18) months.

~~(e)~~ **(c)** If the bureau terminates the participation of a special group under subsection ~~(d)(1):~~ **(b)(1):**

(1) the bureau may not issue additional special group recognition license plates **of the special group** to plateholders; and

(2) a plateholder may not renew a special group recognition license plate **of the special group.**

If the special group desires to continue participating in the special group recognition license plate program, the special group must submit an application to the bureau containing the criteria set forth in section 2.3(a) of this chapter. The bureau shall then follow the procedure set forth in section 2.3(b) of this chapter.

~~(f)~~ **(d)** If the bureau allows a special group to continue participating in the special group recognition license plate program for a period under subsection ~~(d)(2),~~ **(b)(2),** the bureau shall:

(1) establish the duration of the set period under subsection ~~(d)(2);~~ **(b)(2);** and

(2) require the special group to submit to the bureau:

(A) evidence of the criteria set forth in section 2.3(a) of this chapter; and

(B) any additional information the bureau determines is necessary.

~~(g)~~ **(e)** The bureau shall:

(1) review the evidence and additional information submitted by a special group under subsection ~~(f)(2);~~ **(d)(2);** and

(2) determine whether to terminate or continue the participation of the special group in the special group recognition license plate program.

~~(h)~~ **(f)** After the review under subsection ~~(g),~~ **(e),** if the bureau terminates the participation of the special group and the special group desires to continue participating, the special group must submit an application to the bureau containing the criteria set forth in section 2.3(a) of this chapter. The bureau shall then follow the procedure set forth in section 2.3(b) of this chapter.

~~(i)~~ **(g)** After the review under subsection ~~(g),~~ **(e),** if the bureau continues the participation of the special group in the special group recognition license plate program, the bureau may do one (1) or more of the following:

(1) Allow the special group to remedy the defect or the violation that caused the special group to not be suitable for inclusion in the special group recognition license plate program.

(2) Place restrictions on or temporarily suspend the sales of special group recognition license plates for the special group.

(3) Require the special group to appear before the commission for review or reinstatement, or both.

~~(j)~~ **(h)** The bureau may suspend the issuance of a special group recognition license plate for a special group if the bureau, upon investigation, has determined that the special group has advocated or committed a violation of federal or state law.

SECTION 95. IC 9-20-16-1, AS AMENDED BY HEA 1286-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 1. Before August 1 of each year, the Civil Engineering School at Purdue University shall report in an electronic format under IC 5-14-6 to the ~~joint~~ **interim** study committee on **roads and** transportation ~~and infrastructure assessment and solutions established by IC 2-5-28.5-2~~ the results of a continuing study of the condition of Indiana's roads and streets as the condition may be affected by trucks and tractor-semitrailer combinations.

SECTION 96. IC 12-7-2-34, AS AMENDED BY P.L.6-2012, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission" means the following:

(1) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.

~~(2) For purposes of IC 12-11-7, the meaning set forth in IC 12-11-7-1.~~

~~(3)~~ **(2)** For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.

~~(4)~~ **(3)** For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.

~~(5)~~ **(4)** For purposes of IC 12-15-46-2, the meaning set forth in IC 12-15-46-2(a).

~~(6) For purposes of IC 12-21-6.5, the meaning set forth in IC 12-21-6.5-1.~~

~~(7)~~ **(5)** For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 97. IC 12-7-2-35, AS AMENDED BY SEA 24-2014, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. "Committee" means the following:

(1) For purposes of IC 12-15-33, the meaning set forth in

IC 12-15-33-1.

~~(2) For purposes of IC 12-17.2-3.3, the meaning set forth in IC 12-17.2-3.3-1.~~

~~(3)~~ **(2)** For ~~the~~ purposes of ~~IC 12-17.2-3.7, has~~ **IC 12-17.2-3.6,** the meaning set forth in ~~IC 12-17.2-3.7-1.~~ **IC 12-17.2-3.6-1.**

SECTION 98. IC 12-10-11.5-6, AS AMENDED BY P.L.205-2013, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The office of the secretary of family and social services shall annually determine any state savings generated by home and community based services under this chapter by reducing the use of institutional care.

(b) The secretary shall annually report to the governor, the budget agency, the budget committee, the ~~health finance commission,~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4,** and the executive director of the legislative services agency the savings determined under subsection (a). A report under this subsection to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.

(c) Savings determined under subsection (a) may be used to fund the state's share of additional home and community based Medicaid waiver slots.

SECTION 99. IC 12-11-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Indiana Commission on Autism).

SECTION 100. IC 12-11-13-13, AS AMENDED BY P.L.3-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The ombudsman shall prepare a report each year on the operations of the program.

(b) A copy of the report required under subsection (a) shall be provided to the following:

(1) The governor.

(2) The legislative council. The report must be in an electronic format under IC 5-14-6.

(3) The division.

(4) The ~~members of the commission on developmental disabilities established by IC 2-5-27.2-2.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 101. IC 12-11-13-14, AS AMENDED BY P.L.3-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The ombudsman shall report:

(1) annually; or

(2) upon request;

to the ~~commission on developmental disabilities established by IC 2-5-27.2-2.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 102. IC 12-12.7-2-19, AS AMENDED BY P.L.3-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. The budget agency shall annually report to ~~the health finance commission,~~ the budget committee and the ~~commission on developmental disabilities~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** the following information concerning the funding of the program under this chapter:

(1) The total amount billed to a federal or state program each state fiscal year for services provided under this chapter, including the following programs:

(A) Medicaid.

(B) The children's health insurance program.

(C) The federal Temporary Assistance for Needy Families (TANF) program (45 CFR 265).

(D) Any other state or federal program.

(2) The total amount billed each state fiscal year to an insurance company for services provided under this chapter and the total amount reimbursed by the insurance company.

(3) The total copayments collected under this chapter each state fiscal year.

(4) The total administrative expenditures.

The report must be submitted before September 1 for the preceding state fiscal year in an electronic format under IC 5-14-6.

SECTION 103. IC 12-13-5-14, AS AMENDED BY P.L.205-2013, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As used in this section, ~~"commission"~~ **"committee"** refers to the ~~health finance commission (IC 2-5-23).~~ **interim study committee on public health, behavioral**

health, and human services established by IC 2-5-1.3-4.

(b) A contractor for the division, office, or secretary that has responsibility for processing eligibility intake for the federal Supplemental Nutrition Assistance program (SNAP), the Temporary Assistance for Needy Families (TANF) program, and the Medicaid program shall do the following:

(1) Review the eligibility intake process for:

(A) document management issues, including:

(i) unattached documents;

(ii) number of documents received by facsimile;

(iii) number of documents received by mail;

(iv) number of documents incorrectly classified;

(v) number of documents that are not indexed or not correctly attached to cases;

(vi) number of complaints from clients regarding lost documents; and

(vii) number of complaints from clients resolved regarding lost documents;

(B) direct client assistance at county offices, including the:

(i) number of clients helped directly in completing eligibility application forms;

(ii) wait times at local offices;

(iii) amount of time an applicant is given as notice before a scheduled applicant appointment;

(iv) amount of time an applicant waits for a scheduled appointment; and

(v) timeliness of the tasks sent by the contractor to the state for further action, as specified through contracted performance standards; and

(C) call wait times and abandonment rates.

(2) Provide an update on employee training programs.

(3) Provide a copy of the monthly key performance indicator report.

(4) Provide information on error reports and contractor compliance with the contract.

(5) Provide oral and written reports to the ~~commission~~ **committee** concerning matters described in subdivision (1):

(A) in a manner and format to be agreed upon with the

~~commission;~~ **committee;** and

(B) whenever the ~~commission~~ **committee** requests.

However, written reports shall be provided in an electronic format under IC 5-14-6.

(6) Report on information concerning assistance provided by voluntary community assistance networks (V-CANs).

(7) Report on the independent performance audit conducted on the contract.

(c) Solely referring an individual to a computer or telephone does not constitute the direct client assistance referred to in subsection (b)(1)(B).

SECTION 104. IC 12-15-12-19, AS AMENDED BY P.L.205-2013, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section applies to an individual who is a Medicaid recipient.

(b) Subject to subsection (c), the office shall develop the following programs regarding individuals described in subsection (a):

(1) A disease management program for recipients with any of the following chronic diseases:

(A) Asthma.

(B) Diabetes.

(C) Congestive heart failure or coronary heart disease.

(D) Hypertension.

(E) Kidney disease.

(2) A case management program for recipients described in subsection (a) who are at high risk of chronic disease, that is based on a combination of cost measures, clinical measures, and health outcomes identified and developed by the office with input and guidance from the state department of health and other experts in health care case management or disease management programs.

(c) The office shall implement:

(1) a pilot program for at least two (2) of the diseases listed in subsection (b) not later than July 1, 2003; and

(2) a statewide chronic disease program as soon as practicable after the office has done the following:

(A) Evaluated a pilot program described in subdivision (1).

(B) Made any necessary changes in the program based on the

evaluation performed under clause (A).

(d) The office shall develop and implement a program required under this section in cooperation with the state department of health and shall use the following persons to the extent possible:

(1) Community health centers.

(2) Federally qualified health centers (as defined in 42 U.S.C. 1396d(l)(2)(B)).

(3) Rural health clinics (as defined in 42 U.S.C. 1396d(l)(1)).

(4) Local health departments.

(5) Hospitals.

(6) Public and private third party payers.

(e) The office may contract with an outside vendor or vendors to assist in the development and implementation of the programs required under this section.

(f) The office and the state department of health shall provide the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** with an evaluation and recommendations on the costs, benefits, and health outcomes of the pilot programs required under this section. The evaluations required under this subsection must be provided not more than twelve (12) months after the implementation date of the pilot programs.

(g) The office and the state department of health shall report to the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** not later than November 1 of each year regarding the programs developed under this section.

(h) The disease management program services for a recipient diagnosed with diabetes or hypertension must include education for the recipient on kidney disease and the benefits of having evaluations and treatment for chronic kidney disease according to accepted practice guidelines.

SECTION 105. IC 12-15-35-28, AS AMENDED BY P.L.205-2013, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) The board has the following duties:

(1) The adoption of rules to carry out this chapter, in accordance with the provisions of IC 4-22-2 and subject to any office approval that is required by the federal Omnibus Budget Reconciliation Act of 1990 under Public Law 101-508 and its implementing regulations.

(2) The implementation of a Medicaid retrospective and prospective DUR program as outlined in this chapter, including the approval of software programs to be used by the pharmacist for prospective DUR and recommendations concerning the provisions of the contractual agreement between the state and any other entity that will be processing and reviewing Medicaid drug claims and profiles for the DUR program under this chapter.

(3) The development and application of the predetermined criteria and standards for appropriate prescribing to be used in retrospective and prospective DUR to ensure that such criteria and standards for appropriate prescribing are based on the compendia and developed with professional input with provisions for timely revisions and assessments as necessary.

(4) The development, selection, application, and assessment of interventions for physicians, pharmacists, and patients that are educational and not punitive in nature.

(5) The publication of an annual report that must be subject to public comment before issuance to the federal Department of Health and Human Services and to the Indiana legislative council by December 1 of each year. The report issued to the legislative council must be in an electronic format under IC 5-14-6.

(6) The development of a working agreement for the board to clarify the areas of responsibility with related boards or agencies, including the following:

(A) The Indiana board of pharmacy.

(B) The medical licensing board of Indiana.

(C) The SURS staff.

(7) The establishment of a grievance and appeals process for physicians or pharmacists under this chapter.

(8) The publication and dissemination of educational information to physicians and pharmacists regarding the board and the DUR program, including information on the following:

(A) Identifying and reducing the frequency of patterns of

fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and recipients.

(B) Potential or actual severe or adverse reactions to drugs.

(C) Therapeutic appropriateness.

(D) Overutilization or underutilization.

(E) Appropriate use of generic drugs.

(F) Therapeutic duplication.

(G) Drug-disease contraindications.

(H) Drug-drug interactions.

(I) Incorrect drug dosage and duration of drug treatment.

(J) Drug allergy interactions.

(K) Clinical abuse and misuse.

(9) The adoption and implementation of procedures designed to ensure the confidentiality of any information collected, stored, retrieved, assessed, or analyzed by the board, staff to the board, or contractors to the DUR program that identifies individual physicians, pharmacists, or recipients.

(10) The implementation of additional drug utilization review with respect to drugs dispensed to residents of nursing facilities shall not be required if the nursing facility is in compliance with the drug regimen procedures under 410 IAC 16.2-3.1 and 42 CFR 483.60.

(11) The research, development, and approval of a preferred drug list for:

(A) Medicaid's fee for service program;

(B) Medicaid's primary care case management program;

(C) Medicaid's risk based managed care program, if the office provides a prescription drug benefit and subject to IC 12-15-5; and

(D) the children's health insurance program under IC 12-17.6;

in consultation with the therapeutics committee.

(12) The approval of the review and maintenance of the preferred drug list at least two (2) times per year.

(13) The preparation and submission of a report concerning the preferred drug list at least one (1) time per year to the ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human**

services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.

(14) The collection of data reflecting prescribing patterns related to treatment of children diagnosed with attention deficit disorder or attention deficit hyperactivity disorder.

(15) Advising the Indiana comprehensive health insurance association established by IC 27-8-10-2.1 concerning implementation of chronic disease management and pharmaceutical management programs under IC 27-8-10-3.5.

(b) The board shall use the clinical expertise of the therapeutics committee in developing a preferred drug list. The board shall also consider expert testimony in the development of a preferred drug list.

(c) In researching and developing a preferred drug list under subsection (a)(11), the board shall do the following:

(1) Use literature abstracting technology.

(2) Use commonly accepted guidance principles of disease management.

(3) Develop therapeutic classifications for the preferred drug list.

(4) Give primary consideration to the clinical efficacy or appropriateness of a particular drug in treating a specific medical condition.

(5) Include in any cost effectiveness considerations the cost implications of other components of the state's Medicaid program and other state funded programs.

(d) Prior authorization is required for coverage under a program described in subsection (a)(11) of a drug that is not included on the preferred drug list.

(e) The board shall determine whether to include a single source covered outpatient drug that is newly approved by the federal Food and Drug Administration on the preferred drug list not later than sixty (60) days after the date on which the manufacturer notifies the board in writing of the drug's approval. However, if the board determines that there is inadequate information about the drug available to the board to make a determination, the board may have an additional sixty (60) days to make a determination from the date that the board receives adequate information to perform the board's review. Prior authorization may not be automatically required for a single source drug that is newly approved by the federal Food and Drug Administration, and that is:

(1) in a therapeutic classification:

(A) that has not been reviewed by the board; and

(B) for which prior authorization is not required; or

(2) the sole drug in a new therapeutic classification that has not been reviewed by the board.

(f) The board may not exclude a drug from the preferred drug list based solely on price.

(g) The following requirements apply to a preferred drug list developed under subsection (a)(11):

(1) Except as provided by IC 12-15-35.5-3(b) and IC 12-15-35.5-3(c), the office or the board may require prior authorization for a drug that is included on the preferred drug list under the following circumstances:

(A) To override a prospective drug utilization review alert.

(B) To permit reimbursement for a medically necessary brand name drug that is subject to generic substitution under IC 16-42-22-10.

(C) To prevent fraud, abuse, waste, overutilization, or inappropriate utilization.

(D) To permit implementation of a disease management program.

(E) To implement other initiatives permitted by state or federal law.

(2) All drugs described in IC 12-15-35.5-3(b) must be included on the preferred drug list.

(3) The office may add a drug that has been approved by the federal Food and Drug Administration to the preferred drug list without prior approval from the board.

(4) The board may add a drug that has been approved by the federal Food and Drug Administration to the preferred drug list.

(h) At least one (1) time each year, the board shall provide a report to the ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.** The report must contain the following information:

(1) The cost of administering the preferred drug list.

(2) Any increase in Medicaid physician, laboratory, or hospital costs or in other state funded programs as a result of the preferred

drug list.

(3) The impact of the preferred drug list on the ability of a Medicaid recipient to obtain prescription drugs.

(4) The number of times prior authorization was requested, and the number of times prior authorization was:

(A) approved; and

(B) disapproved.

(i) The board shall provide the first report required under subsection (h) not later than six (6) months after the board submits an initial preferred drug list to the office.

SECTION 106. IC 12-15-35-48, AS AMENDED BY P.L.205-2013, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) The board shall review the prescription drug program of a managed care organization that participates in the state's risk-based managed care program at least one (1) time per year. The board's review of a prescription drug program must include the following:

(1) An analysis of the single source drugs requiring prior authorization, including the number of drugs requiring prior authorization in comparison to other managed care organizations' prescription drug programs that participate in the state's Medicaid program.

(2) A determination and analysis of the number and the type of drugs subject to a restriction.

(3) A review of the rationale for:

(A) the prior authorization of a drug described in subdivision (1); and

(B) a restriction on a drug.

(4) A review of the number of requests a managed care organization received for prior authorization, including the number of times prior authorization was approved and the number of times prior authorization was disapproved.

(5) A review of:

(A) patient and provider satisfaction survey reports; and

(B) pharmacy-related grievance data for a twelve (12) month period.

(b) A managed care organization described in subsection (a) shall provide the board with the information necessary for the board to

conduct its review under subsection (a).

(c) The board shall report to the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** at least one (1) time per year on the board's review under subsection (a).

SECTION 107. IC 12-15-35-51, AS AMENDED BY SEA 24-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 51. (a) As used in this section, "advisory committee" refers to the mental health Medicaid quality advisory committee established by subsection (b).

(b) The mental health Medicaid quality advisory committee is established. The advisory committee consists of the following members:

(1) The director of the office or the director's designee, who shall serve as chairperson of the advisory committee.

(2) The director of the division of mental health and addiction or the director's designee.

(3) A representative of a statewide mental health advocacy organization.

(4) A representative of a statewide mental health provider organization.

(5) A representative from a managed care organization that participates in the state's Medicaid program.

(6) A member with expertise in psychiatric research representing an academic institution.

(7) A pharmacist licensed under IC 25-26.

(8) The commissioner of the department of correction or the commissioner's designee.

The governor shall make the appointments for a term of four (4) years under subdivisions (3) through (7) and fill any vacancy on the advisory committee.

(c) The office shall staff the advisory committee. The expenses of the advisory committee shall be paid by the office.

(d) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses

actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the advisory committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) The affirmative votes of a majority of the voting members appointed to the advisory committee are required by the advisory committee to take action on any measure.

(g) The advisory committee shall advise the office and make recommendations concerning the clinical use of mental health and addiction medications, including the implementation of IC 12-15-35.5-7(c), and consider the following:

(1) Peer reviewed medical literature.

(2) Observational studies.

(3) Health economic studies.

(4) Input from physicians and patients.

(5) Any other information determined by the advisory committee to be appropriate.

(h) The office shall report recommendations made by the advisory committee to the drug utilization review board established by section 19 of this chapter.

(i) The office shall report the following information to the ~~*select joint commission on Medicaid oversight established by IC 2-5-26-3: health finance commission established by IC 2-5-23-3:*~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6:**

(1) The advisory committee's advice and recommendations made under this section.

(2) The number of restrictions implemented under IC 12-15-35.5-7(c) and the outcome of each restriction.

(3) The transition of individuals who are aged, blind, or disabled to the risk based managed care program. ~~*This information shall also be reported to the health finance commission established by*~~

~~*IC 2-5-23-3.*~~

(4) Any decision by the office to change the health care delivery system in which Medicaid is provided to recipients.

~~(j) Notwithstanding subsection (b), the initial members appointed to the advisory committee under this section are appointed for the following terms:~~

~~(1) Individuals appointed under subsection (b)(3) and (b)(4) are appointed for a term of four (4) years.~~

~~(2) An individual appointed under subsection (b)(5) is appointed for a term of three (3) years.~~

~~(3) An individual appointed under subsection (b)(6) is appointed for a term of two (2) years.~~

~~(4) An individual appointed under subsection (b)(7) is appointed for a term of one (1) year.~~

~~This subsection expires December 31, 2013.~~

SECTION 108. IC 12-16.5-3-1, AS ADDED BY P.L.150-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The governor may enter into the compact on behalf of the state with any other state only after the following occur:

(1) The budget committee reviews the compact and any plan developed under subdivision (2).

(2) The budget agency prepares a plan showing how Indiana will provide access to health care for Indiana residents under the compact.

(3) The budget agency presents the plan described in subdivision (2) to the ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.**

(b) The member states shall take joint and separate action to secure the consent of the United States Congress for the compact in order to return the authority to regulate health care to the member states that is consistent with the goals and principles articulated in the compact.

(c) The member states shall improve health care policy within the states' jurisdictions and according to the judgment and discretion of each member state.

SECTION 109. IC 12-17.2-2.5-6, AS ADDED BY P.L.126-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 6. Each committee shall annually report to the **interim study** committee on ~~child care established by IC 12-17.2-3.3-2~~ **public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** concerning the committee's activities during the previous year.

SECTION 110. IC 12-17.2-3.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Committee on Child Care).

SECTION 111. IC 12-17.6-2-7, AS AMENDED BY P.L.205-2013, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The office shall contract with an independent organization to evaluate the program.

(b) The office shall report the results of each evaluation to the:

(1) children's health policy board established by IC 4-23-27-2; and

(2) ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

(c) This section does not modify the requirements of other statutes relating to the confidentiality of medical records.

SECTION 112. IC 12-17.6-2-12, AS AMENDED BY P.L.205-2013, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Not later than April 1, the office shall provide a report describing the program's activities during the preceding calendar year to the:

(1) budget committee;

(2) legislative council;

(3) children's health policy board established by IC 4-23-27-2; and

(4) ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

A report provided under this section to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 113. IC 12-21-6.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Mental Health and Addiction).

SECTION 114. IC 13-11-2-46 IS REPEALED [EFFECTIVE UPON

PASSAGE]. ~~Sec. 46. "Council", for purposes of IC 13-13-7, refers to the environmental quality service council established by IC 13-13-7-1, unless the specific reference is to the legislative council.~~

SECTION 115. IC 13-11-2-149.5, AS AMENDED BY P.L.78-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 149.5. "Outstanding national resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means a water designated as such by the general assembly after recommendations by the ~~water pollution control~~ **environmental rules** board and the ~~environmental quality service council~~ **interim study committee on environmental affairs (established by IC 2-5-1.3-4)** under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:

(1) important because of protection through official action, such as:

(A) federal or state law;

(B) presidential or secretarial action;

(C) international treaty; or

(D) interstate compact;

(2) having exceptional recreational significance;

(3) having exceptional ecological significance;

(4) having other special environmental, recreational, or ecological attributes; or

(5) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other water bodies designated as outstanding national resource waters.

SECTION 116. IC 13-11-2-151.6, AS ADDED BY P.L.12-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 151.6. "Panel", for purposes of ~~IC 13-13-7,~~ **IC 13-13-7.1,** refers to the compliance advisory panel established by ~~IC 13-13-7-2.~~ **IC 13-13-7.1-1.**

SECTION 117. IC 13-11-2-204.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: **Sec. 204.2. "Small business stationary source", for the purposes of IC 13-13-7.1, has the meaning set forth in 42 U.S.C. 7661f.**

SECTION 118. IC 13-13-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Environmental Quality Service Council and Compliance Advisory Panel).

SECTION 119. IC 13-13-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.1. Compliance Advisory Panel

Sec. 1. The compliance advisory panel is established.

Sec. 2. The panel consists of the following members:

(1) Two (2) members appointed by the president pro tempore of the senate who are members of the senate and who are owners of, or who have an interest in, a small business stationary source. Not more than one (1) of the members appointed under this subdivision may be members of the same political party.

(2) Two (2) members appointed by the speaker of the house of representatives who are members of the house of representatives and who are owners of, or who have an interest in, a small business stationary source. Not more than one (1) of the members appointed under this subdivision may be affiliated with the same political party.

(3) Two (2) members appointed by the governor to represent the public who are not members of the general assembly, owners of a small business stationary source, or representatives of owners of small business stationary sources. Not more than one (1) member appointed under this subdivision may be a solid waste management district director and not more than one (1) member appointed under this subdivision may be affiliated with the same political party.

(4) The commissioner or the commissioner's designee.

Sec. 3. The term of a member appointed to the panel is two (2) years. However, an appointing authority may replace a member at any time during the member's term. Notwithstanding this section, the initial members of the panel are the members serving on the advisory compliance panel established by IC 13-13-7-2 (before its repeal) on March 15, 2014. The terms of the initial legislative

members of the panel appointed under IC 13-13-7-3(b)(1) (before its repeal) and IC 13-13-7-3(b)(2) (before its repeal) expire on the earlier of the following:

(1) The date the two (2) year appointment would have expired under IC 13-13-7-4 (before its repeal).

(2) December 31, 2014.

If subdivision (1) applies, a legislative member appointed under section 2(1) or 2(2) of this chapter before January 1, 2015, to succeed the initial legislative member expires December 31, 2014.

Sec. 4. If a vacancy occurs on the panel, the appointing authority for the vacating member shall appoint an individual to fill the unexpired term of the vacating member. A member appointed to fill a vacancy must meet the same qualifications specified under section 2 of this chapter for the vacating member.

Sec. 5. The individual serving on the panel under section 2(4) of this chapter is a nonvoting member.

Sec. 6. The chairman of the legislative council shall appoint the chair of the panel from the members appointed under section 2(1) or 2(2) of this chapter. The chair of the panel serves at the pleasure of the chairman of the legislative council.

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

Sec. 8. Each member of the panel who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. Each member of the panel who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem,

mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 10. The affirmative votes of a majority of the voting members appointed to the panel are required for the panel to take action on any measure, including final reports.

Sec. 11. The panel shall carry out the duties required of a compliance advisory panel under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f).

Sec. 12. The department shall provide administrative and technical support to the panel as provided in IC 13-28-3-2, including duties related to the development and dissemination of reports and advisory opinions.

Sec. 13. Except as provided in section 9 of this chapter, the expenses of the panel shall be paid from appropriations to the department.

Sec. 14. The panel shall submit an annual report to the legislative council in an electronic format under IC 5-14-6.

SECTION 120. IC 13-15-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. Before July 15 of each year, the commissioner shall provide to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** a list, current through July 1 of the year, of National Pollutant Discharge Elimination System (NPDES) permits that have been administratively extended that includes for each permit:

(1) the number of months that the permit has been administratively extended;

(2) the number of months that the department has extended a period under section 8 of this chapter or suspended processing of a permit application under section 10 of this chapter;

(3) the type of permit according to the types identified in IC 13-18-20-2 through IC 13-18-20-11; and

(4) the dates when public notice of a draft permit was given.

SECTION 121. IC 13-15-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The auditor of state shall make a report on the fund every four (4) months. The report:

(1) shall be issued not later than ten (10) working days following the last day of each four (4) month period;

(2) must include the beginning and ending balance, disbursements, and receipts;

(3) must comply with accounting standards under IC 4-13-2-7(a)(1); and

(4) must be available to the public.

(b) The auditor of state shall forward copies of the report to the following:

(1) The commissioner.

(2) The standing committees of the house of representatives and the senate concerned with the environment.

(3) The budget committee.

(4) The ~~environmental quality service council.~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 122. IC 13-15-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Before September 1 of each even-numbered year, the department shall report to the ~~environmental quality service council:~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6:**

(1) the department's proposed distribution of funds among the programs referred to in section 1 of this chapter for the current state fiscal year;

(2) the department's rationale for the proposed distribution;

(3) any difference between:

(A) the proposed distribution; and

(B) the distribution made by the department in the immediately preceding state fiscal year; and

(4) the results of an independent audit of the correlation between:

(A) the distribution made by the department with respect to; and

(B) the department's actual expenses related to;

each program referred to in section 1 of this chapter in the immediately preceding state fiscal year.

SECTION 123. IC 13-17-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The

department shall provide an annual report to the following:

(1) The board.

(2) The ~~environmental quality service council.~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

(b) The report must include a summary of the:

(1) reviews conducted; and

(2) agreements approved;

in the preceding year under this chapter.

SECTION 124. IC 13-18-3-2, AS AMENDED BY P.L.81-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board may adopt rules under IC 4-22-2 that are necessary to the implementation of:

(1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and

(2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.

(c) "Outstanding national resource water" has the meaning set forth in IC 13-11-2-149.5.

(d) "Outstanding state resource water" has the meaning set forth in IC 13-11-2-149.6.

(e) "Watershed" has the meaning set forth in IC 14-8-2-310.

(f) The board may designate a water body as an outstanding state resource water by rule if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.

(g) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:

(1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.

(2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.

(3) The level of current urban and agricultural development in the

watershed.

(4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses or serves a municipality with a population greater than five thousand (5,000).

(5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

(h) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must make available to the public a written summary of the information considered by the board under subsections (f) and (g), including the board's conclusions concerning that information.

(i) The commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

(j) Notwithstanding any other provision of this section, the designation of an outstanding state resource water in effect on January 1, 2000, remains in effect.

(k) For a water body designated as an outstanding state resource water, the board shall provide by rule procedures that will:

(1) prevent degradation; and

(2) allow for increases and additions in pollutant loadings from an existing or new discharge if:

(A) there will be an overall improvement in water quality for the outstanding state resource water as described in this section; and

(B) the applicable requirements of 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 IAC 2-1.5-4(b) are met.

(l) The procedures provided by rule under subsection (k) must

include the following:

(1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load:

(A) for which a new or increased permit limit is required; and

(B) below which antidegradation implementation procedures do not apply.

(2) Provisions allowing the permittee to choose application of one (1) of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water:

(A) Implementation of a water quality project in the watershed of the outstanding state resource water that will result in an overall improvement of the water quality of the outstanding state resource water.

(B) Payment of a fee, not to exceed five hundred thousand dollars ($500,000), based on the type and quantity of increased pollutant loadings, to the department for deposit in the outstanding state resource water improvement fund established under section 14 of this chapter for use as permitted under that section.

(3) Criteria for the submission and timely approval of projects described in subdivision (2)(A).

(4) A process for public input in the approval process.

(5) Use of water quality data that is less than seven (7) years old and specific to the outstanding state resource water.

(6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water.

(m) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.

(n) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the ~~environmental quality service council.~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4.**

(o) Before recommending the designation of an outstanding national

resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** not later than ninety (90) days after the end of the comment period. The ~~council~~ **committee** shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt.

(p) This subsection applies to all surface waters of the state. The department shall complete an antidegradation review of all NPDES general permits. The department may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a permit is conducted under this subsection, activities covered by an NPDES general permit are not required to undergo an additional antidegradation review. An NPDES general permit may not be used to authorize a discharge into an outstanding national resource water or an outstanding state resource water, except that a short term, temporary storm water discharge to an outstanding national resource water or to an outstanding state resource water may be permitted under an NPDES general permit if the commissioner determines that the discharge will not significantly lower the water quality downstream of the discharge.

(q) Subsection (r) applies to an application for:

(1) an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or

(2) a modification or renewal of a permit referred to in one (1) of the sections referred to in subdivision (1) that proposes new or increased discharge that would result in a significant lowering of water quality as defined in subsection (l)(1).

(r) For purposes of an antidegradation review with respect to an application referred to in subsection (q), the applicant shall demonstrate at the time the application is submitted to the department, and the commissioner shall review:

(1) an analysis of alternatives to the proposed discharge; and

(2) subject to subsection (s), social or economic factors indicating the importance of the proposed discharge if alternatives to the proposed discharge are not practicable.

(s) Subject to subsection (t), the commissioner shall consider the following factors in determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures:

(1) Creation, expansion, or maintenance of employment.

(2) The unemployment rate.

(3) The median household income.

(4) The number of households below the poverty level.

(5) Community housing needs.

(6) Change in population.

(7) The impact on the community tax base.

(8) Provision of fire departments, schools, infrastructure, and other necessary public services.

(9) Correction of a public health, safety, or environmental problem.

(10) Production of goods and services that protect, enhance, or improve the overall quality of life and related research and development.

(11) The impact on the quality of life for residents in the area.

(12) The impact on the fishing, recreation, and tourism industries.

(13) The impact on threatened and endangered species.

(14) The impact on economic competitiveness.

(15) Demonstration by the permit applicant that the factors identified and reviewed under subdivisions (1) through (14) are necessary to accommodate important social or economic development despite the proposed significant lowering of water quality.

(16) Inclusion by the applicant of additional factors that may enhance the social or economic importance associated with the proposed discharge, such as an approval that:

(A) recognizes social or economic importance; and

(B) is given to the applicant by:

(i) a legislative body; or

(ii) other government officials.

(17) Any other action or recommendation relevant to the antidegradation demonstration made by a:

(A) state;

(B) county;

(C) township; or

(D) municipality;

potentially affected by the proposed discharge.

(18) Any other action or recommendation relevant to the antidegradation demonstration received during the public participation process.

(19) Any other factors that the commissioner:

(A) finds relevant; or

(B) is required to consider under the Clean Water Act.

(t) In determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures, the commissioner:

(1) must give substantial weight to any applicable determinations by governmental entities; and

(2) may rely on consideration of any one (1) or a combination of the factors listed in subsection (s).

(u) Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law.

(v) Beginning June 1, 2009, all waters of the state are classified in the following categories:

(1) Outstanding national resource waters.

(2) Outstanding state resource waters.

(3) Waters of the state as described in 327 IAC 2-1-2(1), as in effect on January 1, 2009.

(4) High quality waters as described in 327 IAC 2-1-2(2), as in effect on January 1, 2009.

(5) Waters of the state as described in 327 IAC 2-1.5-4(a), as in effect on January 1, 2009.

(6) High quality waters as described in 327 IAC 2-1.5-4(b), as in effect on January 1, 2009.

SECTION 125. IC 13-18-3-14, AS AMENDED BY P.L.78-2009,

SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The outstanding state resource water improvement fund is established. All money collected under section 2 of this chapter and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of section 2 of this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund, unless the outstanding state resource water improvement fund is abolished.

(b) The outstanding state resource water improvement fund shall be administered as follows:

(1) The fund may be used by the department of environmental management to fund projects that will lead to overall improvement to the water quality of the affected outstanding state resource water.

(2) The treasurer of state may invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(3) Any interest received accrues to the fund.

(4) The expenses of administering the fund shall be paid from the fund.

(c) The commissioner shall annually report to the ~~environmental quality service council:~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6:**

(1) plans for the use and implementation of the outstanding state resource water improvement fund; and

(2) the balance in the fund.

SECTION 126. IC 13-20-17.7-2, AS ADDED BY P.L.170-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A plan described in section 1 of this chapter must include the following:

(1) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:

(A) Educational materials about the program.

(B) Information identifying which end of life vehicles might contain mercury switches by make, model, and year of manufacture.

(C) Instructions on safe and environmentally sound methods to remove mercury switches.

(2) The provision of containers for collecting and storing mercury switches.

(3) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.

(4) Procedures for the recycling, storage, and disposal of mercury.

(5) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting measures of the effectiveness of the program, including the following:

(A) The number of mercury switches collected from end of life vehicles.

(B) The amount of mercury collected.

(6) Procedures for implementing the plan.

(b) The department shall:

(1) prepare an annual report that includes the information tracked under subsection (a)(5); and

(2) provide the report to:

(A) the legislative council in an electronic format under IC 5-14-6; and

(B) the ~~environmental quality service council.~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 127. IC 13-20.5-7-4, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Before August 1, 2013, and before August 1 of each year thereafter, the department shall submit a report concerning the implementation of this article to:

(1) the general assembly in an electronic format under IC 5-14-6;

(2) the governor;

(3) the ~~environmental quality service council established by IC 13-13-7-1;~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6;** and

(4) the Indiana recycling market development board established by IC 4-23-5.5-2.

(b) For each state fiscal year, the report submitted under subsection

(a):

(1) must discuss the total weight of covered electronic devices recycled in the state fiscal year and a summary of information in the reports submitted by manufacturers and recyclers under IC 13-20.5-3;

(2) must discuss the various collection programs used by manufacturers to collect covered electronic devices, information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers, and information about covered electronic devices, if any, being disposed of in landfills in Indiana;

(3) must include a description of enforcement actions under this article during the state fiscal year; and

(4) may include other information received by the department regarding the implementation of this article.

SECTION 128. IC 13-28-3-2, AS AMENDED BY P.L.12-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The assistance program established under this chapter shall do the following:

(1) Designate an individual to serve as a liaison and ombudsman to the regulated community to assist the regulated community with specific regulatory or permit matters pending with the department.

(2) Provide assistance to new and existing businesses and small municipalities in identifying:

(A) applicable environmental rules and regulations; and

(B) permit requirements;

that apply to new and existing businesses and small municipalities.

(3) Develop and distribute educational materials regarding:

(A) environmental requirements;

(B) compliance methods;

(C) voluntary environmental audits;

(D) pollution control technologies; and

(E) other compliance issues;

including standardized forms and procedures for completing permit applications.

(4) Provide public outreach and training sessions in cooperation

with representatives of the business and municipal communities regarding existing and future state and federal environmental requirements.

(5) Develop and operate a clearinghouse to respond to inquiries from businesses and municipalities concerning applicable environmental rules, regulations, and requirements.

(6) Provide technical assistance concerning pollution control techniques to local and state governmental entities and businesses and distribute educational materials regarding pollution prevention developed by the pollution prevention division established by IC 13-27-2-1.

(7) Provide administrative and technical support for the compliance advisory panel established by ~~IC 13-13-7-2.~~ **IC 13-13-7.1-1.**

(8) Conduct other activities as required to:

(A) improve regulatory compliance; and

(B) promote cooperation and assistance in meeting environmental requirements.

(b) The assistance program may establish limited onsite assistance to provide compliance information to a small business or small municipality, subject to the confidentiality provisions of section 4 of this chapter. The assistance program may use money from the environmental management special fund to implement this subsection. The assistance program may limit the number of inspections per year and restrict onsite assistance to specific programs.

SECTION 129. IC 13-28-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department shall prepare an annual report of the activities conducted under this chapter.

(b) The annual report must include the following:

(1) The number and types of inquiries the program received.

(2) The services provided by the program.

(c) The annual report shall be distributed to the following:

(1) The governor.

(2) The ~~environmental quality service council.~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 130. IC 13-28-4-11 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The department shall maintain statistics on the use of environmental audit reports in department compliance and enforcement activities, including statistics on:

(1) the number of times the reports are disclosed to the department;

(2) the number and types of violations disclosed to the department through the reports;

(3) the civil penalties collected for the violations; and

(4) the time necessary for the violations to be corrected.

The department shall report annually to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** on the use of environmental audit reports.

(b) The department shall propose an enforcement policy, pursuant to IC 13-14-1-11.5, that provides relief from civil penalties for a voluntary disclosure that results from an internal environmental audit. In developing this enforcement policy, the department shall consider similar policies implemented by:

(1) the United States Environmental Protection Agency; and

(2) states contiguous to Indiana.

(c) The department shall report annually to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** on the use and effectiveness of the enforcement policy.

SECTION 131. IC 14-25-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The ~~natural resources study committee created by IC 2-5-5-1~~ **interim study committee on agriculture and natural resources established by IC-2-5-1.3-4** shall do the following:

(1) Oversee the water resource management program of this chapter and the needs of the people of Indiana.

(2) Report the findings and recommendations in an electronic format under IC 5-14-6 to the ~~general assembly through the~~ legislative council **under IC 2-5-1.2-15.**

SECTION 132. IC 15-13-6-5, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As requested by the advisory

committee, the:

(1) commission;

(2) board; or

(3) board of trustees of the barn;

shall provide to the advisory committee information relating to the operation of each, respectively.

(b) The ~~legislative services agency~~ **department of agriculture** shall provide staff for the advisory committee.

SECTION 133. IC 15-16-10-4, AS ADDED BY P.L.23-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council has the following duties:

(1) Recommend:

(A) priorities for projects;

(B) funding; and

(C) rules and laws;

concerning invasive species to the appropriate governmental agencies and legislative committees.

(2) Recommend a lead state agency to:

(A) develop an invasive species inventory for each invasive species taxon; and

(B) develop and maintain a data management system for invasive species in Indiana.

(3) Communicate with other states, federal agencies, and state and regional organizations to enhance consistency and effectiveness in:

(A) preventing the spread of;

(B) early detection of;

(C) response to; and

(D) management of;

invasive species.

(4) Coordinate invasive species education and outreach programs.

(5) Convene or support an invasive species meeting at least once per biennium to provide information on best practices and pertinent research findings.

(6) Assist governmental agencies in:

(A) reviewing current invasive species policies and procedures; and

(B) addressing any deficiencies or inconsistencies concerning

invasive species policies and procedures.

(7) Assist state agencies in reviewing the agencies' performance measures for accountability concerning the agencies' invasive species actions.

(8) Receive reports from any governmental agency regarding actions taken on recommendations of the council.

(9) Apply for grants.

(10) Provide grants for education concerning or management of invasive species.

(b) The council does not have any regulatory authority over invasive species or the authority to hear appeals of grievances.

(c) The council may create advisory committees to provide information and recommendations to the council.

(d) Beginning July 1, 2011, the council shall issue a ~~written~~ report to the ~~natural resources study committee (IC 2-5-5-1)~~ **interim study committee on agriculture and natural resources established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** in every odd-numbered year. The report must include a summary of:

(1) the council's activities;

(2) the performance of the council's duties; and

(3) efforts in the state to identify and manage invasive species.

The report may include recommendations of the council.

SECTION 134. IC 16-28-15-13, AS AMENDED BY P.L.205-2013, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** shall review the implementation of this chapter.

SECTION 135. IC 16-29-6-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 8. Not later than October 31, 2013, the office of the secretary of family and social services shall report to the health finance commission established by IC 2-5-23-3 with a five (5) year plan to steadily reduce the number of Medicaid certified comprehensive care beds and health facility patients.~~

SECTION 136. IC 20-24.2-6-1 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 1. The commission on education study committee established by IC 2-5-38.1, as added by SEA 409-2013, SECTION 1, shall:~~

~~(1) monitor the effectiveness of the performance qualified school district and high school program;~~

~~(2) study and make recommendations to the general assembly concerning the issue of the length of the school year and the use of time equivalents to one hundred eighty (180) days by qualified districts and qualified high schools; and~~

~~(3) study and make recommendations to the general assembly concerning the expansion of the performance qualified schools program to middle schools and elementary schools.~~

SECTION 137. IC 22-2-15-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. The department shall make a presentation to the pension management oversight commission not later than October 1, 2010, outlining the proposed guidelines and procedures.~~

SECTION 138. IC 22-2-15-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 6. After considering any recommendations by the pension management oversight commission, the department shall convert the guidelines and procedures to rules by adopting rules under IC 4-22-2 before August 1, 2011. The department shall implement the rules before August 1, 2011.~~

SECTION 139. IC 24-4.7-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The division shall, after June 30 and before October 1 of each year, report to the ~~regulatory flexibility committee established by IC 8-1-2.6-4~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** on the following:

~~(1) For the state fiscal year ending June 30, 2002, the expenses incurred by the division in establishing the listing.~~

~~(2)~~ **(1)** The total amount of fees deposited in the fund during the most recent state fiscal year.

~~(3)~~ **(2)** The expenses incurred by the division in maintaining and promoting the listing during the most recent state fiscal year.

~~(4)~~ **(3)**The projected budget required by the division to comply with this article during the current state fiscal year.

~~(5)~~ **(4)** Any other expenses incurred by the division in complying with this article during the most recent state fiscal year.

~~(6)~~ **(5)** The total number of subscribers on the listing at the end of the most recent state fiscal year.

~~(7)~~ **(6)** The number of new subscribers added to the listing during the most recent state fiscal year.

~~(8)~~ **(7)** The number of subscribers removed from the listing for any reason during the most recent state fiscal year.

(b) The ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** shall, before November 1 of each year, issue in an electronic format under IC 5-14-6 a report and recommendations to the legislative council concerning the information received under subsection (a).

SECTION 140. IC 25-1-16-13, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The committee shall submit a report to the:

(1) governor;

(2) ~~health finance commission;~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6;** and

(3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

SECTION 141. IC 27-1-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The Indiana political subdivision risk management commission is created as a separate body corporate and politic, constituting an instrumentality of the state for the public purposes set out in this chapter, but not a state agency. The commission is separate from the state in its corporate and sovereign capacity. The purpose of the commission is aiding political subdivisions in protecting themselves against liabilities. The commission is not subject to IC 27-6-8, and the Indiana guaranty association created by IC 27-6-8-5 has no obligation to insureds or claimants of the commission.

(b) The commission consists of the insurance commissioner, who shall serve as chairman, and ~~ten (10)~~ **nine (9)** other commission members. **However, the reduction in membership of the commission from ten (10) appointed members to nine (9) appointed members**

shall be accomplished as the terms of members end and new members are appointed. Until the expiration of the term of a member who is serving on the commission on January 1, 2014, and resides in the same congressional district as another member, the commission consists of ten (10) appointed members. Except for the commissioner, the members of the commission shall be appointed by the governor for a term of four (4) years. No more than five (5) commission members appointed by the governor under this section may be members of the same political party. The commission members appointed by the governor under this section must include one (1) resident of each congressional district in Indiana. The commission shall elect one (1) of the appointed commission members as secretary of the commission.

(c) ~~The initial appointments of commission members are for the following terms:~~

~~(1) Three (3) members appointed for a term of one (1) year.~~

~~(2) Three (3) members appointed for a term of two (2) years.~~

~~(3) Two (2) members appointed for a term of three (3) years.~~

~~(4) Two (2) members appointed for a term of four (4) years.~~

A commission member may be reappointed to the commission.

(d) In appointing commission members under this section, the governor shall consider the qualifications, expertise, and background that would provide the proper talent to administer this chapter. To the degree possible, the members must have backgrounds in educational administration, risk management, and governance of a political subdivision and must include persons with knowledge of insurance matters.

(e) A vacancy occurring on the commission shall be filled through the appointment of a resident of the same congressional district as the vacating commission member for the unexpired term of the commission member leaving the commission.

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

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

(h) All property of the commission is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

SECTION 142. IC 29-1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The report of the probate code study commission **established by IC 2-5-16 (before its repeal)** made pursuant to Acts 1949, c. 302, s. 5 and Acts 1951, c. 347, s. 2 may be consulted by the courts to determine the underlying reasons, purposes, and policies of this article, and may be used as a guide in its construction and application.

SECTION 143. IC 31-25-4-13.1, AS AMENDED BY P.L.210-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) This section applies after December 31, 2006.

(b) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

(1) a prosecuting attorney;

(2) a private attorney or private entity if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the ~~Indiana child custody and support advisory committee (established by IC 33-24-11-1);~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4;** or

(3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and

modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(c) The hiring of a private attorney or private entity by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(d) Subject to section 14.1 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (b):

(1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and

(2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(e) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(f) At the time that an application for child support services is made, the applicant must be informed that:

(1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and

(2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(g) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to:

(1) the amount of parenting time or parenting time credit; or

(2) the assignment of the right to claim a child as a dependent for federal and state tax purposes.

(h) An agreement made under subsection (b) must contain requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse incentive money based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (b).

SECTION 144. IC 31-25-4-27, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. The director of the department shall adopt rules necessary to implement Title IV-D of the federal Social Security Act and this chapter. The department shall send a copy of each proposed or adopted rule to ~~each member of the Indiana child custody and support advisory committee established by IC 33-24-11-1~~ **the interim public health, behavioral health, and human services established by IC 2-5-1.3-4** not later than ten (10) days after proposal or adoption.

SECTION 145. IC 33-23-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Courts).

SECTION 146. IC 33-24-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Indiana Child Custody and Support Advisory Committee).

SECTION 147. IC 33-38-9-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 10. (a) Beginning in 2011, the Indiana judicial center shall submit a report to the commission on courts established by IC 33-23-10-1 by July 1 of each year concerning the status of problem solving courts. Each report must contain the following information:~~

~~(1) The number of problem solving courts certified by the Indiana judicial center.~~

~~(2) The number of courts that have notified the Indiana judicial center of their intention to establish a problem solving court.~~

~~(3) The number of each type of problem solving court, as set forth in IC 33-23-16-11, that have been established, including courts certified under IC 33-23-16-11(8).~~

~~(4) The success rates of problem solving courts with specific examples of successes and failures.~~

~~(5) Legislative suggestions to improve the certification or operation of problem solving courts.~~

~~(b) The first report required by this section must be submitted not later than July 1, 2011.~~

~~(c) This section expires June 30, 2014.~~

SECTION 148. IC 36-7-14-44.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 44.2. On a quadrennial basis, the general assembly shall provide for an evaluation of the provisions of this chapter, giving first priority to using the Indiana economic development corporation established under IC 5-28-3. The evaluation shall be a fiscal analysis, including an assessment of the effectiveness of the provisions of this chapter to:~~

~~(1) create new jobs;~~

~~(2) increase income; and~~

~~(3) increase the tax base;~~

~~in the jurisdiction of the unit. The fiscal analysis may also consider impacts on tax burdens borne by property owners. The fiscal analysis may also include a review of the practices and experiences of other states or political subdivisions with laws similar to the provisions of this chapter. The Indiana economic development corporation established under IC 5-28-3 or another person or entity designated by the general assembly shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives before December 1, 1999, and every fourth year thereafter. The report submitted to the president pro tempore of the senate and the speaker of the house of representatives must be in an electronic format under IC 5-14-6.~~

SECTION 149. IC 36-7-15.1-36.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 36.2. On a quadrennial basis, the general assembly shall provide for an evaluation of the provisions of this chapter, giving first priority to using the Indiana economic development corporation established under IC 5-28-3. The evaluation must be a fiscal analysis, including an assessment of the effectiveness of the provisions of this chapter to:~~

~~(1) create new jobs;~~

~~(2) increase income; and~~

~~(3) increase the tax base;~~

~~in the jurisdiction of the county. The fiscal analysis may also consider impacts on tax burdens borne by property owners. The fiscal analysis may also include a review of the practices and experiences of other~~

~~states or political subdivisions with laws similar to the provisions of this chapter. The Indiana economic development corporation established under IC 5-28-3 or another person or entity designated by the general assembly shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives before December 1, 2007, and every fourth year thereafter.~~

SECTION 150. IC 36-7.5-5-1, AS ADDED BY P.L.230-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The development authority shall investigate and study the following:

(1) Whether the statistical profile of injuries annually sustained by the population of northwestern Indiana justifies the placement of one (1) or more trauma centers in northwestern Indiana and, if so, what the appropriate levels of the trauma centers should be to care for those injuries, in terms of the trauma center rating system of the American College of Surgeons.

(2) The feasibility of developing an academic medical center in northwestern Indiana.

(b) The development authority shall report its findings to the budget committee and, **in an electronic format under IC 5-14-6,** the ~~health finance commission~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** not later than November 1, 2014.

(c) This section expires June 30, 2015.

SECTION 151. P.L.101-2009, SECTION 21, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~SECTION 21. (a) As used in this section, "committee" refers to the interim study committee on driver education established by this SECTION.~~

~~(b) There is established the interim study committee on driver education. The committee shall study:~~

~~(1) the administration of driver education by the bureau of motor vehicles and the department of education;~~

~~(2) standards for an Internet component of driver instruction;~~

~~(3) standards for a classroom component of driver instruction;~~

~~(4) penalties for instructional providers that fail to follow the standards for instruction driving experience;~~

~~(5) statistics for moving violations accrued by individuals less~~

~~than eighteen (18) years of age who had:~~

~~(A) taken driver education with a classroom component of driver instruction;~~

~~(B) taken an Internet component of driver instruction; and~~

~~(C) no formal driver education;~~

~~(6) the effectiveness of driver education courses on the accident rates of young drivers; and~~

~~(7) the standards and curriculum content for an effective driver education program.~~

~~(c) Not later than November 1 in the years 2009 through 2014, the state police department shall make a written report to the:~~

~~(1) legislative council; and~~

~~(2) governor;~~

~~concerning motor vehicle accidents and fatalities resulting from motor vehicle accidents in the preceding year involving operators of a motor vehicle who were at least fifteen (15) years and one hundred eighty (180) days of age and less than twenty (20) years of age. The report to the legislative council must be in an electronic format under IC 5-14-6.~~

~~(d) The committee shall operate under the policies governing study committees adopted by the legislative council.~~

~~(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.~~

~~(f) This SECTION expires December 31, 2014.~~

SECTION 152. P.L.191-2013, SECTION 7, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~SECTION 7. (a) The health finance commission (IC 2-5-23) shall study the appropriateness of the implementation time line for the required reporting of immunization data as described in IC 16-38-5-2, as amended by this act, considering:~~

~~(1) necessary improvements to the immunization registry system for providers who manually enter immunization data into the immunization registry portal, and ways to identify and reduce errors and inaccuracies between the immunization registry system and interfaced electronic medical record systems; and~~

~~(2) the progress in improving the interoperability of the immunization registry system and electronic medical record systems.~~

~~(b) The commission shall submit a report to the legislative council~~

~~in a format required under IC 2-5-23-14 that includes the commission's findings and recommendations of topics studied under subsection (a).~~

~~(c) This SECTION expires January 1, 2015.~~

SECTION 153. P.L.232-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 29. (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3 **(before its repeal).**

(b) As used in this SECTION, "committee" refers to the midwifery committee established by IC 25-23.4-2-1, as added by ~~this act.~~ **P.L.232-2013.**

(c) The medical licensing board shall report ~~to the commission~~ as follows:

(1) **To the commission,** before October 1, 2013, actions taken under IC 25-23.4, as added by ~~this act,~~ **P.L.232-2013,** including the following:

(A) Appointments made to the committee.

(B) Any proposed rules, including the status of the rules.

(2) **To the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6,** before October 1, 2014, actions taken under IC 25-23.4, as added by ~~this act,~~ **P.L.232-2013,** including the following:

(A) Any proposed rules, including the status of the rules.

(B) The number of applications submitted for a certificate.

(C) The number of certificates issued.

(D) The names of physicians who have registered under IC 25-23.4-5-2, as added by ~~this act.~~ **P.L.232-2013.**

(d) This SECTION expires December 31, 2014.

SECTION 154. HEA 1215-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014] ~~(a) As used in this SECTION, "commission" refers to the commission on state tax and financing policy. established by IC 2-5-3-2.~~

~~(b)~~ **(a)** The ~~commission shall compare~~ **legislative council is urged to assign the study topic of comparing** the effectiveness of tax credits to the effectiveness of grant programs in encouraging the preservation and commercial redevelopment of historic properties **to an appropriate interim study committee.**

~~(c) The commission shall submit its findings and recommendations,~~

~~if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2014.~~

~~(d)~~ **(b)** This SECTION expires January 1, 2015.

SECTION 155. **An emergency is declared for this act.**

P.L.54-2014
[S.88. Approved March 24, 2014.]

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

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

SECTION 1. IC 35-36-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) At the trial of a criminal case in which the defendant intends to interpose the defense of insanity, evidence may be introduced to prove the defendant's sanity or insanity at the time at which the defendant is alleged to have committed the offense charged in the indictment or information.

(b) When notice of an insanity defense is filed **in a case in which the defendant is not charged with a homicide offense under IC 35-42-1,** the court shall appoint two (2) or three (3) competent disinterested:

(1) psychiatrists;

(2) psychologists endorsed by the state psychology board as health service providers in psychology; or

(3) physicians;

who have expertise in determining insanity. At least one (1) of ~~whom~~ **the individuals appointed under this subsection** must be a psychiatrist ~~to~~ **or psychologist. The individuals appointed under this subsection shall** examine the defendant and ~~to~~ testify at the trial. This testimony shall follow the presentation of the evidence for the prosecution and for the defense, including **the** testimony of any

~~medical~~ **mental health** experts employed by the state or by the defense.

(c) When notice of an insanity defense is filed in a case in which the defendant is charged with a homicide offense under IC 35-42-1, the court shall appoint two (2) or three (3) competent disinterested:

(1) psychiatrists;

(2) psychologists endorsed by the state psychology board as health service providers in psychology; or

(3) physicians;

who have expertise in determining insanity. At least one (1) individual appointed under this subsection must be a psychiatrist and at least one (1) individual appointed under this subsection must be a psychologist. The individuals appointed under this subsection shall examine the defendant and testify at the trial. This testimony must follow the presentation of the evidence for the prosecution and for the defense, including the testimony of any mental health experts employed by the state or by the defense.

~~(c)~~ **(d)** If a defendant does not adequately communicate, participate, and cooperate with the ~~medical~~ **mental health** witnesses appointed by the court after being ordered to do so by the court, the defendant may not present as evidence the testimony of any other ~~medical~~ **mental health** witness:

(1) with whom the defendant adequately communicated, participated, and cooperated; and

(2) whose opinion is based upon examinations of the defendant;

unless the defendant shows by a preponderance of the evidence that the defendant's failure to communicate, participate, or cooperate with the ~~medical~~ **mental health** witnesses appointed by the court was caused by the defendant's mental illness.

~~(d)~~ **(e)** The ~~medical~~ **mental health** witnesses appointed by the court may be cross-examined by both the prosecution and the defense, and each side may introduce evidence in rebuttal to the testimony of ~~such~~ a ~~medical~~ **mental health** witness.

P.L.55-2014
[S.185. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-10-1-24, AS AMENDED BY P.L.271-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. **In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list.** The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (d), the voter's current residence address.

(3) The name of the voter's party.

(b) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) The electronic poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under

the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll list.

(e) If the voter makes:

(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

SECTION 2. IC 3-11-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The cards required by section 22 of this chapter must contain instructions to the voters as to what must be done to:

(1) obtain ballots for voting;

(2) prepare ballots for voting; and

(3) obtain a new ballot in place of one accidentally defaced, mutilated, or spoiled.

(b) The cards must contain, in underlined type, the following:

(1) That it is a crime to violate Indiana election laws.

(2) That the voter should examine the ballot to determine ~~if it contains~~ **whether the back of the ballot has:**

(A) the initials of the poll clerks in ink; **or** ~~on the back of the ballot.~~

(B) the printed initials of the poll clerks, in a vote center county using an electronic poll list and a printer separate from the electronic poll list that prints on the back of each ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(3) That the voter should examine the ballot to determine if the

ballot has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should not make any mark on the ballot except a voting mark in the manner provided by IC 3-12-1 because a mark other than a voting mark may void the ballot.

(5) That the voter should return the ballot to the poll clerks and request another ballot if:

(A) the poll clerks' initials have not been properly placed on the ballot;

(B) the ballot has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked the ballot.

(c) The cards must also set out copies of IC 3-14-2-16, IC 3-14-2-17, IC 3-14-3-10, IC 3-14-3-13, IC 3-14-3-15, IC 3-14-3-16, and IC 3-14-4-9.

SECTION 3. IC 3-11-8-10.3, AS AMENDED BY SEA 24-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll list must be

encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the data base; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.

(8) The electronic poll list must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's

registration application, if available.

(11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll list must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll list used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

~~(13)~~ **(14)** The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

~~(14)~~ **(15)** The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

~~(15)~~ **(16)** The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn,

understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

~~(16)~~ **(17)** The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

~~(17)~~ **(18)** The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll list; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll list consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll list.

(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

~~(18)~~ **(19)** The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

~~(19)~~ **(20)** The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

~~(20)~~ **(21)** The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12.

~~(21)~~ **(22)** The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

~~(22)~~ **(23)** The electronic poll list must:

(A) permit a voter to sign the poll list even when there is a

temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

SECTION 4. IC 3-11-8-25.1, AS AMENDED BY P.L.219-2013, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. **In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list.** The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A

poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll list. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll list (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's residence address shown on

the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll list.

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

SECTION 5. IC 3-11-10-27, AS AMENDED BY HEA 1096-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection (d)).

(c) Subject to IC 3-5-4-9, before a ballot is:

(1) voted under section 26 of this chapter; or

(2) placed in a secrecy envelope if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the county election board or the board's designated representatives under IC 3-11-4-19.

(d) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the

resolution during the final sixty (60) days before an election.

(e) The initials must be:

(1) in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind; **or**

(2) in a vote center county using an electronic poll list:

(A) printed on the back of the ballot by a printer separate from the electronic poll list, immediately before the ballot is delivered to the voter; and

(B) the initials of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the county election board or the board's representatives log into the electronic poll book system.

(f) No other initialing of the absentee ballot is necessary.

SECTION 6. IC 3-11-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. **(a) Except as provided in subsection (b),** each circuit court clerk shall print or stamp the precinct number or designation and a line for each poll clerk's initials on both a ballot card and the ballot card's secrecy envelope before the election.

(b) In a vote center county using an electronic poll list, the circuit court clerk shall not print or stamp the information required by subsection (a) if the precinct number or designation and the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system are printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

SECTION 7. IC 3-11-13-28, AS AMENDED BY HEA 1096-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) This section does not apply to a ballot card voted by absentee ballot.

(b) **Except as provided in subsection (c),** the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

(1) at the time the card is issued to a voter; or

(2) in the case of a ballot marked by a marking device for an

optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

~~(c)~~ **(d)** Except as provided in IC 3-12-1-12, a ballot card is not valid unless, ~~it~~ **immediately before the ballot card is delivered to the voter:**

(1) the ballot card is initialed by both poll clerks; **or**

(2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).

SECTION 8. IC 3-11-13-29, AS AMENDED BY P.L.164-2006, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) In addition to the instructions printed on the ballot card or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed by both judges, on request, on how to operate the voting device before the voter enters the voting booth.

(b) The instructions posted in the voting booth or placed on the marking device must state the following:

(1) That the voter should examine the ballot card to determine ~~if it contains~~ **whether the back of the ballot card has:**

(A) the initials of the poll clerks in ink; **or** ~~on the back of the card.~~

(B) the printed initials of the poll clerks, in a vote center county using an electronic poll list and a printer separate from the electronic poll list that prints on the back of each ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(2) That the voter should not make an unnecessary mark on the ballot card because the mark may void the card.

(3) That the voter should examine the ballot card to determine if the card has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should return the ballot card to the poll clerks and request another ballot card if:

(A) the poll clerks' initials have not been properly placed on the card;

(B) the card has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked the card.

(5) That the voter should examine the ballot card after voting to determine that all marks made on the card to indicate the voter's selections have been completely marked.

(c) As provided by 42 U.S.C. 15481, a voter casting an optical scan ballot card under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 9. IC 3-11-18.1-4, AS AMENDED BY P.L.258-2013, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system printed on the back of the ballot card immediately before the ballot card is delivered to a voter.

~~(13)~~ **(14)** The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.

~~(14)~~ **(15)** A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

~~(15)~~ **(16)** A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

~~(16)~~ **(17)** The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

~~(17)~~ **(18)** The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

~~(18)~~ **(19)** That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not

already done so).

SECTION 10. IC 3-12-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not apply to absentee ballots.

(b) The whole ballot may not be counted, subject to section 12 of this chapter, if the ballot is not endorsed **or printed** with the initials of the poll clerks **in accordance with state law.**

SECTION 11. **An emergency is declared for this act.**

P.L.56-2014
[S.208. Approved March 24, 2014.]

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

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

SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.175-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in ~~IC 32-30-10.5-8(d)(2)(B).~~ **IC 32-30-10.5-8(d)(1)(B).**

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used

in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the ports of Indiana, the Indiana state department of agriculture, the Indiana finance authority, an economic development commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are

communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as

a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems;

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)"; and

(L) the home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 35-42-2-6); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a

public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a law enforcement officer (as defined in IC 35-31.5-2-185);

(iii) a judge (as defined in IC 33-38-12-3);

(iv) the victim of a crime; or

(v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational

institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

(A) date of birth;

(B) driver's license number;

(C) taxpayer identification number;

(D) employer identification number; or

(E) account number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 2. IC 32-34-1-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9.1. As used in this chapter, "interest bearing property" means one (1) of the following:**

(1) An interest bearing checking account.

(2) A savings account.

(3) A certificate of deposit.

(4) A money market account.

SECTION 3. IC 32-34-1-27, AS AMENDED BY P.L.46-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. (a) Except as provided in subsections (b) and (c), on the date a report is filed under section 26 of this chapter, the holder shall pay or deliver to the attorney general the property that is described in the report as unclaimed.

(b) In the case of an automatically renewable deposit, if at the time of delivery under subsection (a) a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the earliest date upon which a penalty or forfeiture would not result.

(c) Tangible property held in a safe deposit box or other safekeeping depository ~~may not~~ **shall** be delivered to the attorney general ~~until one hundred twenty (120)~~ **not later than thirty (30)** days after the date the report describing the property under section 26 of this chapter is filed.

(d) If the property reported to the attorney general is a security or security entitlement under IC 26-1-8.1, the attorney general may make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer or its transfer agent or the securities intermediary to transfer or dispose of the security or the security entitlement in accordance with IC 26-1-8.1.

(e) If the holder of property reported to the attorney general is the issuer of a certificated security, the attorney general has the right to obtain a replacement certificate under IC 26-1-8.1-405, and an indemnity bond is not required.

(f) An issuer, the holder, and any transfer agent or other person acting under the instructions of and on behalf of the issuer in accordance with this section are not liable to the apparent owner and must be indemnified against the claims of any person in accordance with section 29 of this chapter.

(g) Payment or delivery of property shall be made in the manner specified by the attorney general.

SECTION 4. IC 32-34-1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) If property, other than money, is paid or delivered to the attorney general under this chapter, the owner is entitled to receive from the attorney general any dividends, interest, or other increments realized or accruing on the property at or before delivery to the attorney general.

(b) **Except as provided in section 30.1 of this chapter,** the owner is not entitled to receive dividends, interest, or other increments accruing after delivery of the property to the attorney general under this chapter unless the property was paid or delivered under section 39(b) of this chapter.

SECTION 5. IC 32-34-1-30.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 30.1. (a) As used in this section, "index" means the Weekly National Rates and Rate Caps index published by the Federal Deposit Insurance Corporation or any other index selected by the attorney general under subsection (d).**

(b) When interest bearing property is paid or delivered to the attorney general under this chapter, the owner is entitled to receive interest that accrues on the property from the date of payment or delivery, as determined under this section.

(c) When the attorney general approves a valid claim, the attorney general shall calculate and pay the owner simple interest, without compounding, based on the average commercial interest rates for similar interest bearing property types during the period the attorney general has held the property. However, if the attorney general has held the property for more than five (5) years, the attorney general shall use the average commercial interest rate for the five (5) years preceding the year in which the claim is filed.

(d) The attorney general shall use the index to determine the average commercial interest rate earned by similar interest bearing property types. However, if the index is unavailable or, in the opinion of the attorney general, is no longer a reliable source for calculating interest earned by interest bearing property under this section, the attorney general may adopt a rule under IC 4-22-2 to select an alternate index for determining the average

commercial interest rate.

(e) When the attorney general pays a claim for interest bearing property, the attorney general shall inform the owner of the rate used to calculate the interest paid on the claim. If the owner establishes to the satisfaction of the attorney general that the property would have earned a higher rate of interest if it had remained in the owner's custody in the same account, the attorney general shall pay interest based on the higher rate established by the owner.

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

P.L.57-2014
[S.223. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 4-2-7-4, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. To carry out the duties described in section 3 of this chapter, the inspector general has the following powers:

(1) As part of an investigation, the inspector general may:
  (A) administer oaths;
  (B) examine witnesses under oath;
  (C) issue subpoenas and subpoenas duces tecum; and
  (D) examine the records, reports, audits, reviews, papers, books, recommendations, contracts, correspondence, or any other documents maintained by an agency.

(2) The inspector general may apply to a circuit or superior court for an order holding an individual in contempt of court if the individual refuses to give sworn testimony under a subpoena

issued by the inspector general or otherwise disobeys a subpoena or subpoena duces tecum issued by the inspector general.

(3) The inspector general shall prepare a report summarizing the results of every investigation. The report is confidential in accordance with section 8 of this chapter.

(4) If the attorney general has elected not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained, the inspector general may file a civil action for the recovery of the funds in accordance with section 6 of this chapter.

(5) The inspector general may prosecute a criminal matter as a special prosecuting attorney or special deputy prosecuting attorney in accordance with:

(A) section 7 of this chapter; or

(B) ~~IC 33-39-2-6.~~ **IC 33-39-10-3.**

SECTION 2. IC 4-2-7-7, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) If the inspector general discovers evidence of criminal activity, the inspector general shall certify to the appropriate prosecuting attorney the following information:

(1) The identity of any person who may be involved in the criminal activity.

(2) The criminal statute that the inspector general believes has been violated.

In addition, the inspector general shall provide the prosecuting attorney with any relevant documents, transcripts, or written statements. If the prosecuting attorney decides to prosecute the crime described in the information certified to the prosecuting attorney, or any other related crimes, the inspector general shall cooperate with the prosecuting attorney in the investigation and prosecution of the case. Upon request of the prosecuting attorney, the inspector general may participate on behalf of the state in any resulting criminal trial.

(b) If:

(1) the prosecuting attorney to whom the inspector general issues a certification under subsection (a):

(A) is disqualified from investigating or bringing a criminal prosecution in the matter addressed in the certification;

(B) does not file an information or seek an indictment not later

than one hundred eighty (180) days after the date on which the inspector general certified the information to the prosecuting attorney; or

(C) refers the case back to the inspector general; and

(2) the inspector general finds that there may be probable cause to believe that a person identified in a certification under subsection (a)(1) has violated a criminal statute identified in a certification under subsection (a)(2);

the inspector general may request that the governor recommend the inspector general be appointed as a special prosecuting attorney under subsection (h) so that the inspector general may prosecute the matter addressed in the certification.

(c) The governor may recommend the inspector general be appointed as a special prosecuting attorney if:

(1) one (1) of the conditions set forth in subsection (b)(1) relating to the prosecuting attorney is met; and

(2) the governor finds that the appointment of the inspector general as a special prosecuting attorney is in the best interests of justice.

(d) If the governor has recommended the appointment of the inspector general as a special prosecuting attorney, the inspector general shall file a notice with the chief judge of the court of appeals, stating:

(1) that the governor has recommended that the inspector general be appointed as a special prosecutor;

(2) the name of the county in which the crime that the inspector general intends to prosecute is alleged to have been committed; and

(3) that the inspector general requests the chief judge to assign a court of appeals judge to determine whether the inspector general should be appointed as a special prosecuting attorney.

Upon receipt of the notice, the chief judge of the court of appeals shall randomly select a judge of the court of appeals to determine whether the inspector general should be appointed as a special prosecuting attorney. The chief judge shall exclude from the random selection a judge who resided in the county in which the crime is alleged to have been committed at the time the judge was appointed to the court of appeals.

(e) The inspector general shall file a verified petition for appointment as a special prosecuting attorney with the court of appeals judge assigned under subsection (d). In the verified petition, the inspector general shall set forth why the inspector general should be appointed as a special prosecutor. The inspector general may support the verified petition by including relevant documents, transcripts, or written statements in support of the inspector general's position. The inspector general shall serve a copy of the verified petition, along with any supporting evidence, on the prosecuting attorney to whom the case was originally certified under subsection (a).

(f) The prosecuting attorney shall file a verified petition in support of or opposition to the inspector general's verified petition for appointment as a special prosecuting attorney not later than fifteen (15) days after receipt of the inspector general's verified petition for appointment as a special prosecuting attorney.

(g) Upon a showing of particularized need, the court of appeals judge may order the verified petitions filed by the inspector general and the prosecuting attorney to be confidential.

(h) After considering the verified petitions, the court of appeals judge may appoint the inspector general or a prosecuting attorney, other than the prosecuting attorney to whom the case was certified under this section, as a special prosecuting attorney if the judge finds that:

(1) one (1) of the conditions set forth in subsection (b)(1) is met; and

(2) appointment of a special prosecuting attorney is in the best interests of justice.

In making its determination under this subsection, the court of appeals judge shall consider only the arguments and evidence contained in the verified petitions.

(i) Except as provided in subsection (k), a special prosecuting attorney appointed under this section has the same powers as the prosecuting attorney of the county. However, the court of appeals judge shall:

(1) limit the scope of the special prosecuting attorney's duties as a special prosecuting attorney to include only the investigation or prosecution of a particular case or particular grand jury investigation, including any matter that reasonably results from

the investigation, prosecution, or grand jury investigation; and

(2) establish for a time certain the length of the special prosecuting attorney's term.

If the special prosecuting attorney's investigation or prosecution acquires a broader scope or requires additional time to complete, the court of appeals judge may at any time increase the scope of the special prosecuting attorney's duties or establish a longer term for the special prosecuting attorney.

(j) An inspector general or prosecuting attorney appointed to serve as a special prosecuting attorney may appoint one (1) or more deputies who are licensed to practice law in Indiana to serve as a special deputy prosecuting attorney. A special deputy prosecuting attorney is subject to the same statutory restrictions and other restrictions imposed on the special prosecuting attorney by the court of appeals, but otherwise has the same powers as a deputy prosecuting attorney.

(k) An inspector general or prosecuting attorney appointed to serve as a special prosecuting attorney under this section may bring a criminal charge only after obtaining an indictment from a grand jury. An inspector general or prosecuting attorney appointed under this section to serve as a special prosecuting attorney may not bring a criminal charge by filing an information.

(l) The inspector general or a deputy inspector general who is licensed to practice law in Indiana may serve as a special deputy prosecuting attorney under ~~IC 33-39-2-6.~~ **IC 33-39-10-3.**

(m) If the court of appeals appoints a prosecuting attorney to serve as a special prosecuting attorney under this section, the inspector general shall reimburse the prosecuting attorney for the reasonable expenses of investigating and prosecuting the case.

SECTION 3. IC 33-39-1-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. (a) As used in this chapter, "senior prosecuting attorney" means a person who:~~

~~(1) was employed for at least eight (8) years as a prosecuting attorney or chief deputy prosecuting attorney; and~~

~~(2) files an affidavit requesting designation as a senior prosecuting attorney in the circuit court and each superior court in a county in which the person is willing to serve as a senior prosecuting attorney.~~

~~(b) An affidavit filed under subsection (a) must contain the~~

~~following:~~

~~(1) The name of the person filing the affidavit.~~

~~(2) The person's attorney number issued by the supreme court.~~

~~(3) The length of time the person served as a chief deputy prosecuting attorney or prosecuting attorney.~~

~~(4) The name of any county in which the person served as a chief deputy prosecuting attorney or prosecuting attorney.~~

~~(c) The circuit or superior court shall promptly forward each affidavit received under this section to the prosecuting attorneys council of Indiana.~~

SECTION 4. IC 33-39-1-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. (a) Special prosecutors may be appointed under this section or in accordance with IC 4-2-7-7.~~

~~(b) A circuit or superior court judge:~~

~~(1) shall appoint a special prosecutor if:~~

~~(A) any person other than the prosecuting attorney or the prosecuting attorney's deputy files a verified petition requesting the appointment of a special prosecutor; and~~

~~(B) the prosecuting attorney agrees that a special prosecutor is needed;~~

~~(2) may appoint a special prosecutor if:~~

~~(A) a person files a verified petition requesting the appointment of a special prosecutor; and~~

~~(B) the court, after:~~

~~(i) notice is given to the prosecuting attorney; and~~

~~(ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;~~

~~finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecutor has committed a crime;~~

~~(3) may appoint a special prosecutor if:~~

~~(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and~~

~~(B) the court finds that the appointment is necessary to avoid the appearance of impropriety;~~

~~(4) may appoint a special prosecutor if:~~

~~(A) an elected public official, who is a defendant in a criminal~~

~~proceeding, files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and~~

~~(B) the court finds that the appointment of a special prosecutor is in the best interests of justice; and~~

~~(5) shall appoint a special prosecutor if:~~

~~(A) a previously appointed special prosecutor:~~

~~(i) files a motion to withdraw as special prosecutor; or~~

~~(ii) has become incapable of continuing to represent the interests of the state; and~~

~~(B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.~~

~~The elected prosecuting attorney of the appointing jurisdiction shall receive notice of all pleadings filed and orders issued under this subdivision.~~

~~(c) Each person appointed to serve as a special prosecutor:~~

~~(1) must consent to the appointment; and~~

~~(2) must be:~~

~~(A) the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or~~

~~(B) except as provided in subsection (d), a senior prosecuting attorney.~~

~~(d) A senior prosecuting attorney may be appointed in the county in which the senior prosecuting attorney previously served if the court finds that an appointment under this subsection would not create the appearance of impropriety.~~

~~(e) A person appointed to serve as a special prosecutor has the same powers as the prosecuting attorney of the county. However, the appointing judge shall limit scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.~~

~~(f) The court shall establish the length of the special prosecutor's term. If the target of an investigation by the special prosecutor is a public servant (as defined in IC 35-31.5-2-261), the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. The report is a public record.~~

~~(g) If the special prosecutor is not regularly employed as a full-time~~

~~prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:~~

~~(1) shall be paid to the special prosecutor from the unappropriated funds of the appointing county; and~~

~~(2) may not exceed:~~

~~(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;~~

~~(B) travel expenses and reasonable accommodation expenses actually incurred; and~~

~~(C) other reasonable expenses actually incurred, including the costs of investigation, discovery, and secretarial work, if:~~

~~(i) before incurring the other reasonable expenses described in this clause, the special prosecutor submits an application to the court to receive the other reasonable expenses; and~~

~~(ii) the court approves the expenses.~~

~~The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.~~

~~(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:~~

~~(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and~~

~~(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.~~

~~(i) The combination of:~~

~~(1) the compensation paid to a senior prosecuting attorney under this chapter; and~~

~~(2) retirement benefits that the person appointed as a senior prosecuting attorney is receiving or entitled to receive;~~

~~may not exceed the minimum compensation to which a full-time prosecuting attorney is entitled under IC 33-39-6-5.~~

~~(j) A senior prosecuting attorney appointed under this chapter may not be compensated as senior prosecuting attorney for more than one~~

~~hundred (100) calendar days in total during a calendar year if the senior prosecuting attorney receives retirement benefits during the calendar year. However, if the senior prosecuting attorney does not receive retirement benefits during a calendar year, the senior prosecuting attorney may be compensated as a senior prosecuting attorney for not more than two hundred (200) calendar days in total during the calendar year.~~

SECTION 5. IC 33-39-1-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. A person may not be appointed a senior prosecuting attorney under section 6 of this chapter if the person:~~

~~(1) is not available for the minimum period of commitment for service as a special prosecutor; or~~

~~(2) has had a disciplinary sanction imposed by the Indiana supreme court disciplinary commission or a similar body in another state that restricts the person's ability to practice law.~~

SECTION 6. IC 33-39-2-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. (a) With the consent of the inspector general, a prosecuting attorney may appoint the inspector general or a deputy inspector general who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving public misconduct.~~

~~(b) With the consent of the attorney general, a prosecuting attorney may appoint the attorney general or a deputy attorney general who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving environmental law.~~

SECTION 7. IC 33-39-7-8, AS AMENDED BY P.L.160-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) As used in this chapter, "services" means the sum of all periods in which a person is employed as:

(1) a prosecuting attorney or chief deputy prosecuting attorney;

(2) any other deputy prosecuting attorney who is:

(A) appointed under IC 33-39-6-2; and

(B) paid by the state from the state general fund; or

(3) the executive director or the assistant executive director of the prosecuting attorneys council of Indiana.

If an individual is elected or appointed to a position described in subdivisions (1) through (3) and serves one (1) or more terms or part

of a term, then retires from office or otherwise separates from service, but at a later period or periods is appointed or elected and serves in a position described in subdivisions (1) through (3), the individual shall pay into the fund during all the periods that the individual serves in that position, except as otherwise provided in this chapter, whether the periods are connected or disconnected.

(b) A senior prosecuting attorney appointed under ~~IC 33-39-1~~ **IC 33-39-10-1** is not required to pay into the fund during any period of service as a senior prosecuting attorney.

SECTION 8. IC 33-39-7-15, AS AMENDED BY P.L.160-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A participant whose employment in a position described in section 8 of this chapter is terminated is entitled to a retirement benefit computed under section 16 or 18 of this chapter, beginning on the date specified by the participant in a written application, if all of the following conditions are met:

(1) The application for retirement benefits and the choice of the retirement date is filed on a form provided by the board, and the retirement date is:

(A) after the cessation of the participant's service;

(B) on the first day of a month; and

(C) not more than six (6) months before the date the application is received by the board.

However, if the board determines that a participant is incompetent to file for benefits and choose a retirement date, the retirement date may be any date that is the first of the month after the time the participant became incompetent.

(2) The participant:

(A) is at least sixty-two (62) years of age and has at least eight (8) years of service credit;

(B) is at least fifty-five (55) years of age and the participant's age in years plus the participant's years of service is at least eighty-five (85); or

(C) has become permanently disabled.

(3) The participant is not receiving and is not entitled to receive any salary for services currently performed, except for services rendered as a senior prosecuting attorney under ~~IC 33-39-1.~~ **IC 33-39-10-1.**

SECTION 9. IC 33-39-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in the chapter, "prosecuting attorney" means:

(1) a prosecuting attorney;

(2) a deputy prosecuting attorney; or

(3) a senior prosecuting attorney appointed under ~~IC 33-39-1.~~ **IC 33-39-10-1.**

SECTION 10. IC 33-39-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10. Senior Prosecuting Attorneys, Special Prosecutors, and Special Deputy Prosecuting Attorneys

Sec. 1. (a) A person may be appointed as a senior prosecuting attorney if the person:

(1) was employed for at least eight (8) years as a:

(A) prosecuting attorney;

(B) chief deputy prosecuting attorney;

(C) deputy prosecuting attorney appointed under IC 33-39-6-2; or

(D) deputy prosecuting attorney employed full time to perform activities described in IC 31-25-4-13.1(b), subject to subsection (d); and

(2) files an affidavit requesting designation as a senior prosecuting attorney in:

(A) the circuit court; and

(B) each superior court;

in a county in which the person is willing to serve as a senior prosecuting attorney.

A person who files an affidavit under this subsection shall file a request to withdraw from being appointed as a senior prosecuting attorney when the person is no longer willing to serve as a senior prosecuting attorney.

(b) An affidavit filed under subsection (a) must contain the following:

(1) The name of the person filing the affidavit.

(2) The person's attorney number issued by the supreme court.

(3) The length of time the person served, as described in

subsection (a)(1).

(4) The name of any county in which the person served, as described in subsection (a)(1).

(c) A circuit court or superior court promptly shall forward each:

(1) affidavit; and

(2) request to withdraw;

received under subsection (a) to the prosecuting attorneys council of Indiana. The prosecuting attorneys council of Indiana shall maintain and publish a list of persons who are eligible to be appointed under this section as senior prosecuting attorneys.

(d) A deputy prosecuting attorney who was employed full time to perform activities described in IC 31-25-4-13.1(b) may be appointed to serve as a senior prosecuting attorney only to perform activities described in IC 31-25-4-13.1(b).

(e) A person may not be appointed as a senior prosecuting attorney under this section if a disciplinary sanction has been imposed on the person by:

(1) the Indiana supreme court disciplinary commission; or

(2) a similar body in another state;

that restricts the person's ability to practice law.

Sec. 2. (a) A person may be appointed as a special prosecutor:

(1) as provided under this section; or

(2) in accordance with IC 4-2-7-7.

(b) A circuit court or superior court judge:

(1) shall appoint a special prosecutor if:

(A) any person, other than a prosecuting attorney or the prosecuting attorney's deputy, files a verified petition requesting the appointment of a special prosecutor; and

(B) the prosecuting attorney agrees that a special prosecutor is needed;

(2) may appoint a special prosecutor if:

(A) a person files a verified petition requesting the appointment of a special prosecutor; and

(B) the court, after:

(i) notice is given to the prosecuting attorney; and

(ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;

finds by clear and convincing evidence that the

appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecuting attorney has committed a crime;

(3) may appoint a special prosecutor if:

(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and

(B) the court finds that the appointment is necessary to avoid the appearance of impropriety;

(4) may appoint a special prosecutor if:

(A) an elected public official who is a defendant in a criminal proceeding files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and

(B) the court finds that the appointment of a special prosecutor is in the best interests of justice; and

(5) shall appoint a special prosecutor if:

(A) a previously appointed special prosecutor:

(i) files a motion to withdraw as special prosecutor; or

(ii) has become incapable of continuing to represent the interests of the state; and

(B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.

The elected prosecuting attorney who serves in the jurisdiction of the appointing court shall receive notice of all pleadings filed and orders issued under this subdivision.

(c) A person appointed to serve as a special prosecutor:

(1) must consent to the appointment; and

(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or

(B) a senior prosecuting attorney as described in section 1 of this chapter. A senior prosecuting attorney may be appointed to serve as a special prosecutor in a county in which the senior prosecuting attorney previously served if the court finds that the appointment would not create the appearance of impropriety.

(d) A person appointed to serve as a special prosecutor in a

county has the same powers as the prosecuting attorney of the county. However, the appointing judge shall limit the scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(e) Upon making an appointment under this section, the court shall establish the length of the special prosecutor's term. At least one (1) time every six (6) months throughout the appointed term, a special prosecutor shall file a progress report with the appointing court. A progress report:

(1) must inform the court of the:

(A) status of the investigation; and

(B) estimated time for completion of the special prosecutor's duties; and

(2) may not:

(A) include substantive facts or legal issues; or

(B) offer preliminary conclusions.

The court may extend the term of appointment upon the request of the special prosecutor or terminate any appointment if the special prosecutor has failed to file reports or a request for an extended term under this subsection.

(f) If the target of an investigation by the special prosecutor is a public servant (as defined in IC 35-31.5-2-261), the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. A report filed under this subsection is a public record under IC 5-14-3.

(g) If a special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid, as incurred, to the special prosecutor, following an application to the county auditor, from the unappropriated funds of the appointing county; and

(2) may not exceed:

(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;

(B) travel expenses and reasonable accommodation expenses actually incurred; and

(C) other reasonable expenses actually incurred, including the costs of investigation, trial and discovery preparation,

and other trial expenses.

The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and

(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.

Sec. 3. (a) With the consent of the inspector general, a prosecuting attorney may appoint the inspector general or a deputy inspector general who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving public misconduct.

(b) With the consent of the attorney general, a prosecuting attorney may appoint the attorney general or a deputy attorney general who is licensed to practice law in Indiana as a special deputy prosecuting attorney to assist in any criminal proceeding involving environmental law.

P.L.58-2014
[S.233. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 25-0.5-1-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-3.7 (anesthesiologist assistants).**

SECTION 2. IC 25-0.5-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-14.3 (diabetes educators).**

SECTION 3. IC 25-0.5-2-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 34. IC 25-1-2-2.1 applies to licenses held by anesthesiologist assistants.**

SECTION 4. IC 25-0.5-2-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 35. IC 25-1-2-2.1 applies to licenses held by diabetes educators.**

SECTION 5. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS

Chapter 1. Definitions

Sec. 1. As used in this article, "anesthesiologist assistant" means an individual who:

(1) meets the qualifications under this article; and

(2) is licensed under this article.

Sec. 2. As used in this article, "board" refers to the medical licensing board of Indiana.

Chapter 2. Licensure

Sec. 1. (a) The board shall license as an anesthesiologist assistant an individual who:

(1) applies for licensure on a form approved by the board;

(2) pays a licensing fee in an amount determined by the board;

(3) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently; and

(4) submits evidence satisfactory to the board that the applicant meets all the following requirements:

(A) Has obtained a bachelor's degree from a postsecondary educational institution.

(B) Has satisfactorily completed a medical-based anesthesiologist assistant program that is accredited by the Commission on Accreditation of Allied Health Education Programs, or by its predecessor or successor organization.

(C) Has passed a certifying examination administered by the National Commission for Certification of Anesthesiologist Assistants, or a successor organization.

(D) Is certified by the National Commission for Certification of Anesthesiologist Assistants, or a successor organization.

(b) An individual must be licensed by the board before the individual may practice as an anesthesiologist assistant.

Sec. 2. In order to maintain a license under this article, an individual licensed under this article shall comply with all continuing certification requirements set by the National Commission for Certification of Anesthesiologist Assistants or a successor organization.

Sec. 3. (a) The board shall do the following:

(1) Subject to IC 25-1-8-2, establish the amounts of fees required under this article.

(2) Adopt rules under IC 4-22-2 concerning the scope of practice for an anesthesiologist assistant. The rules must address the public welfare and safety of patients being treated by an anesthesiologist assistant and include the following:

(A) Require that an anesthesiologist assistant be supervised

by a licensed anesthesiologist who:

(i) is licensed under IC 25-22.5;

(ii) is actively engaged in the clinical practice of anesthesiology; and

(iii) maintains a physical proximity that allows the anesthesiologist to be available immediately if needed at all times that anesthesia services are rendered by the anesthesiologist assistant.

(B) Allow for the training of anesthesiologist assistant students if a student is:

(i) enrolled in an anesthesiologist assistant program that is accredited by the Commission on Accreditation of Allied Health Education Programs or by its predecessor or successor organization; and

(ii) supervised by an individual who meets the requirements of clause (A).

(b) In developing the rules required under subsection (a)(2), the board shall appoint a working committee to assist in the development of the rules. The working committee must contain at least the following:

(1) One (1) individual who is a member of the Indiana State Medical Association, or its successor organization.

(2) One (1) individual who is a member of the Indiana Society of Anesthesiologists, or its successor organization.

(3) One (1) individual who is a member of the American Academy of Anesthesiologist Assistants, or its successor organization.

Sec. 4. (a) An anesthesiologist assistant may practice only:

(1) under the supervision of an anesthesiologist; and

(2) as described in a written practice protocol adopted under subsection (b).

(b) Each anesthesiologist who agrees to act as the supervising anesthesiologist of an anesthesiologist assistant shall adopt a written practice protocol that:

(1) is consistent with this article;

(2) delineates:

(A) the medical services that the anesthesiologist assistant is authorized to provide; and

(B) the manner in which the anesthesiologist will supervise

the anesthesiologist assistant;

(3) is based on relevant quality assurance standards, including regular review by the supervising anesthesiologist of the medical records of the patients cared for by the anesthesiologist assistant;

(4) is signed by the anesthesiologist and anesthesiologist assistant;

(5) is updated annually; and

(6) is made available to the board upon request.

(c) The supervising anesthesiologist shall oversee the anesthesiologist assistant in accordance with:

(1) the terms of the protocol; and

(2) any rules adopted by the board for the supervision of an anesthesiologist assistant.

The board may randomly audit or inspect any written practice protocol under which an anesthesiologist assistant works.

(d) An anesthesiologist or an anesthesiologist assistant who violates the written practice protocol described in this section may be disciplined under IC 25-1-9.

Chapter 3. Unauthorized Practice; Penalty; Sanctions

Sec. 1. An individual may not:

(1) profess to be an anesthesiologist assistant;

(2) use the title "anesthesiologist assistant"; or

(3) use the initials "A.A." or any other words, letters, abbreviations, or insignia indicating or implying that the individual is an anesthesiologist assistant licensed under this article;

unless the person is licensed under this article.

Sec. 2. An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class B misdemeanor.

SECTION 6. IC 25-14.3 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 14.3. DIABETES EDUCATORS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 3. "Board" refers to the medical licensing board of Indiana established by IC 25-22.5-2-1.

Sec. 4. "Diabetes education" means a collaborative process through which persons with or at risk for diabetes mellitus gain the knowledge and skills needed to modify behavior and successfully self-manage diabetes and conditions related to diabetes.

Sec. 5. "Licensed diabetes educator" refers to an individual who is licensed under this article.

Chapter 2. Duties of the Board

Sec. 1. (a) The board shall adopt rules under IC 4-22-2 establishing:

(1) standards for professional responsibility or a code of ethics for the profession of diabetes educator;

(2) standards of practice that are based upon policies and positions adopted by the American Association of Diabetes Educators; and

(3) standards for continuing education requirements for diabetes educators.

(b) The board shall adopt rules under IC 4-22-2 to establish fees under IC 25-1-8-2 for:

(1) filing an application for licensure under this article;

(2) issuing an original license under this article;

(3) renewing a license issued under this article;

(4) replacing a license that has been lost or destroyed; and

(5) any other purposes prescribed by IC 25-1-8-2.

(c) The board shall investigate alleged violations brought under this article, conduct investigations, and schedule and conduct administrative hearings under IC 4-21.5.

(d) The board shall keep a record of:

(1) the proceedings of the board; and

(2) all individuals licensed by the board.

Chapter 3. License Requirements

Sec. 1. After July 1, 2015, a person may not use the title of "licensed diabetes educator" or profess to be a licensed diabetes educator unless the person holds a license under this article.

Sec. 2. An applicant for a license must file a written application with the board on forms provided by the board.

Sec. 3. An applicant must provide evidence to the board showing successful completion of one (1) of the following:

(1) The American Association of Diabetes Educators core concepts course with demonstrable experience in the care of individuals with diabetes under supervision that meets requirements specified in rules adopted by the board.

(2) The credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators.

(3) An equivalent credentialing program as determined by the board.

Sec. 4. Requirements established by the board for licensure under this article must include a core body of knowledge and skills in:

(1) diabetes mellitus;

(2) biological and social sciences;

(3) communication;

(4) counseling;

(5) education; and

(6) experience in the care of individuals with diabetes.

Sec. 5. A license issued under this chapter is valid for two (2) years after the date of issuance.

Sec. 6. The board shall require each licensee to complete annually fifteen (15) hours of board approved continuing education.

Chapter 4. License Revocation or Suspension

Sec. 1. For purposes of this chapter, "unprofessional conduct" includes the following:

(1) Obtaining or attempting to obtain a license by fraud, misrepresentation, concealment of material facts, or making a false statement to the board.

(2) Conviction of a felony if the conviction has direct bearing on whether the person is trustworthy to serve the public as a licensed diabetes educator.

(3) Violation of any lawful order issued or rule adopted by the board.

Sec. 2. The board may:

(1) suspend or revoke a license; or

(2) issue a reprimand;

if the licensee engages in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of

the public.

Chapter 5. Unlawful Practices

Sec. 1. A person who recklessly, knowingly, or intentionally violates this article commits a Class A misdemeanor.

SECTION 7. IC 25-23-1-1, AS AMENDED BY P.L.232-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter:

(a) "Board" means the Indiana state board of nursing.

(b) "Advanced practice nurse" means:

(1) a nurse practitioner;

(2) a certified nurse midwife; ~~or~~

(3) a clinical nurse specialist; **or**

(4) a certified registered nurse anesthetist;

who is a registered nurse qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the equivalent as determined by the board, which does not limit but extends or expands the function of the nurse which may be initiated by the client or provider in settings that shall include hospital outpatient clinics and health maintenance organizations. **Notwithstanding any other law, this subsection does not add to the powers and duties or scope of practice of certified registered nurse anesthetists as described in section 30 of this chapter.**

(c) "Human response" means those signs, symptoms, behaviors, and processes that denote the individual's interaction with the environment.

SECTION 8. IC 25-23-1-19.4, AS AMENDED BY P.L.105-2008, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.4. **(a) This section does not apply to certified registered nurse anesthetists.**

~~(a)~~ **(b)** As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

(1) A veterinarian.

(2) An advanced practice nurse.

(3) A physician assistant.

~~(b)~~ **(c)** An advanced practice nurse shall operate in collaboration with a licensed practitioner as evidenced by a practice agreement, or by privileges granted by the governing board of a hospital licensed under

IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients.

SECTION 9. IC 25-23-1-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.5. **(a) This section does not apply to certified registered nurse anesthetists.**

~~(a)~~ **(b)** The board shall establish a program under which advanced practice nurses who meet the requirements established by the board are authorized to prescribe legend drugs, including controlled substances (as defined in ~~IC 35-48-1).~~ **IC 35-48-1-9).**

~~(b)~~ **(c)** The authority granted by the board under this section:

(1) expires on October 31 of the odd-numbered year following the year the authority was granted or renewed; and

(2) is subject to renewal indefinitely for successive periods of two (2) years.

~~(c)~~ **(d)** The rules adopted under section 7 of this chapter concerning the authority of advanced practice nurses to prescribe legend drugs must do the following:

(1) Require an advanced practice nurse or a prospective advanced practice nurse who seeks the authority to submit an application to the board.

(2) Require, as a prerequisite to the initial granting of the authority, the successful completion by the applicant of a graduate level course in pharmacology providing at least two (2) semester hours of academic credit.

(3) Require, as a condition of the renewal of the authority, the completion by the advanced practice nurse of the continuing education requirements set out in section 19.7 of this chapter.

SECTION 10. IC 25-26-13-18, AS AMENDED BY P.L.159-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

(1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.

(2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately

serve and protect the public health.

(3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.

(4) ~~Certified~~ **Licensed** pharmacy technicians or pharmacy technicians in training **who are licensed or** certified under IC 25-26-19 must practice under a licensed pharmacist's immediate and personal supervision at all times. A pharmacist may not supervise more than six (6) pharmacy technicians or pharmacy technicians in training at any time. As used in this subdivision, "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist.

(5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:

(A) be stationary;

(B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;

(C) be well lighted and ventilated with clean and sanitary surroundings;

(D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area.

SECTION 11. IC 25-26-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may adopt rules under IC 4-22-2 to:

(1) implement and enforce this chapter;

(2) set fees under IC 25-1-8; and

(3) establish education and training requirements for ~~certification~~ **licensure** to practice as a pharmacy technician.

(b) The board shall:

(1) establish standards for the competent practice of pharmacy technicians; and

(2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct proceedings on any matter under the jurisdiction of the board.

SECTION 12. IC 25-26-19-5, AS AMENDED BY P.L.159-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall issue a pharmacy technician ~~certificate~~ **license** to an individual who:

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has:

(A) graduated from high school; or

(B) received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18;

~~(3)~~ **(4)** has not been convicted of:

(A) a crime that has a direct bearing upon the individual's ability to practice competently; or

(B) a felony involving controlled substances;

~~(4)~~ **(5)** is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;

~~(5)~~ **(6)** has paid the fee set by the board under section 4 of this chapter; ~~and~~

~~(6)~~ **(7)** has: ~~completed a program of education and training~~

~~approved by the board or has passed a certification examination offered by a nationally recognized certification body approved by the board.~~

(A) graduated from a competency based pharmacy technician education and training program approved by the board;

(B) completed an employer provided training program that:

(i) beginning July 1, 2015, uses training requirements and minimum standards developed by the board;

(ii) has been approved by the board; and

(iii) includes specific training in the duties required to assist the pharmacist in the technical functions associated with the practice of pharmacy; or

(C) successfully passed a certification examination offered by the Pharmacy Technician Certification Board or another nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2).

(c) A person who has been certified or licensed as a pharmacy technician by the board before July 1, 2014, and who remains in good standing on July 1, 2014, shall, for all purposes, be considered licensed beginning on July 1, 2014. A person described in this subsection is subject to the license renewal requirements set forth in this chapter.

(d) A training program approved by the board before July 1, 2015, must be resubmitted to the board for approval in meeting current standards.

SECTION 13. IC 25-26-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board shall issue a pharmacy technician in training permit to an individual who:

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has not been convicted of a crime that has a direct bearing upon the individual's ability to practice competently;

(4) is not in violation of this chapter or rules adopted by the board

under section 4 of this chapter; and

(5) has applied for ~~certification~~ **licensure** under section 5 of this chapter.

(b) An applicant:

(1) may work as a pharmacy technician in training without a permit for not more than thirty (30) consecutive days after the applicant files an application under this section;

(2) shall provide the applicant's employer with a receipt issued by the board that:

(A) provides the date an application under this section was filed; and

(B) indicates that the fee has been paid;

before the applicant may begin work as a pharmacy technician in training; and

(3) may request an additional thirty (30) day period to practice as a pharmacy technician in training without a permit. The board may approve a request under this subdivision if the board determines that the extension is for good cause.

(c) A pharmacy technician in training permit expires on the earliest of the following:

(1) The date the permit holder is issued a pharmacy technician ~~certificate~~ **license** under this chapter.

(2) The date the board disapproves the permit holder's application for a pharmacy technician ~~certificate~~ **license** under this chapter.

(3) The date the permit holder ceases to be enrolled in good standing in a pharmacy technician training program approved by the board. The graduation of a permit holder from a pharmacy technician program does not cause the permit to expire under this subdivision.

(4) Sixty (60) days after the date that the permit holder successfully completes a program approved by the board.

(5) Twelve (12) months after the date of issuance.

(d) For good cause, the board may waive the age requirement in subsection (a)(2).

SECTION 14. IC 25-26-19-7, AS AMENDED BY P.L.1-2006, SECTION 466, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A pharmacy technician ~~certificate~~ **license** expires on a date set by the Indiana professional

licensing agency in each even-numbered year.

(b) An application for renewal of a pharmacy technician ~~certificate~~ **license** must be accompanied by the appropriate fee.

(c) If a person fails to renew a pharmacy technician ~~certificate,~~ **license,** the ~~certificate~~ **license** may be reinstated by meeting the requirements under IC 25-1-8-6.

(d) The board may require a person who applies for a ~~certificate~~ **license** under subsection (c) to appear before the board and explain the reason why the person failed to renew a pharmacy technician ~~certificate.~~ **license.**

SECTION 15. IC 25-26-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A ~~certified~~ **licensed** pharmacy technician may not perform the following activities:

(1) Providing advice or consultation with the prescribing practitioner or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.

(2) Providing advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.

(3) Dispensing prescription drug information to the patient.

(4) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including the appropriateness of the drug for the patient and the accuracy of the:

(A) drug dispensed;

(B) strength of the drug dispensed; and

(C) labeling of the prescription.

(5) Receiving a new prescription drug order over the telephone or electronically unless the original information is recorded so a pharmacist may review the prescription drug order as transmitted.

(6) Any activity required by law to be performed only by a pharmacist.

(7) Any activity that requires the clinical judgment of a pharmacist and is prohibited by a rule adopted by the board.

SECTION 16. IC 25-26-19-9, AS AMENDED BY P.L.158-2013, SECTION 290, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 9. (a) An individual may not practice as a pharmacy technician unless the individual is ~~certified~~ **licensed** under this chapter.

(b) An individual may not act as a pharmacy technician in training unless the individual has obtained a permit under this chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter.

(c) An individual who knowingly violates this section commits a Level 6 felony.

SECTION 17. IC 35-51-25-1, AS AMENDED BY P.L.13-2013, SECTION 147, P.L.232-2013, SECTION 26, AND P.L.264-2013, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 25:

IC 25-2.1-13-3 (Concerning accountants).
IC 25-2.5-3-4 (Concerning acupuncturists).
IC 25-3.7-3-2 (Concerning anesthesiologist assistants).
IC 25-5.1-4-2 (Concerning athletic trainers).
IC 25-5.2-2-12 (Concerning athlete agents).
IC 25-6.1-7-1 (Concerning auctioneers and auctions).
IC 25-6.1-7-2 (Concerning auctioneers and auctions).
IC 25-8-15.4-25 (Concerning beauty culture).
IC 25-10-1-11 (Concerning chiropractors).
IC 25-11-1-12 (Concerning collection agencies).
IC 25-13-1-3 (Concerning dental hygienists).
IC 25-14-1-25 (Concerning dentists).
IC 25-14-1-25.5 (Concerning dentists).
IC 25-14-4-6 (Concerning dentists).
IC 25-14.3-5-1 (Concerning diabetes educators).
IC 25-14.5-7-2 (Concerning dietitians).
IC 25-16-1-18 (Concerning employment services).
IC 25-17.3-5-3 (Concerning genetic counselors).
IC 25-17.6-8-2 (Concerning geologists).
IC 25-18-1-19 (Concerning distress sales).
IC 25-20-1-21 (Concerning hearing aid dealers).
IC 25-20.7-5-1 (Concerning interior designers).
IC 25-21.5-5-10 (Concerning ~~*land*~~ *professional* surveyors).
IC 25-21.5-13-2 (Concerning ~~*land*~~ *professional* surveyors).

IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning physicians).
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.4-3-7 (Concerning certified direct entry midwives).
IC 25-23.5-3-2 (Concerning occupational therapists).
IC 25-23.6-3-3 (Concerning marriage and family therapists).
IC 25-23.6-4-4 (Concerning marriage and family therapists).
IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
IC 25-23.6-7-7 (Concerning marriage and family therapists).
IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
IC 25-23.6-11-1 (Concerning marriage and family therapists).
IC 25-23.6-11-2 (Concerning marriage and family therapists).
IC 25-23.6-11-3 (Concerning marriage and family therapists).
IC 25-23.7-7-5 (Concerning manufactured home installers).
IC 25-24-1-18 (Concerning optometrists).
IC 25-24-3-17 (Concerning optometrists).
IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-27-1-12 (Concerning physical therapists).
IC 25-27.5-7-2 (Concerning physician assistants).
IC 25-28.5-1-31 (Concerning plumbers).
IC 25-29-9-1 (Concerning podiatrists).
IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-30-1.3-23 (Concerning private investigator firms, security

guards, and polygraph examiners).
IC 25-31-1-13 (Concerning engineers).
IC 25-31-1-27 (Concerning engineers).
IC 25-31.5-8-7 (Concerning soil scientists).
IC 25-33-1-15 (Concerning psychologists).
IC 25-34.5-3-2 (Concerning respiratory care specialists).
IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
IC 25-36.1-1-2 (Concerning surgical technologists).
IC 25-36.5-1-10 (Concerning timber buyers).
IC 25-36.5-1-15 (Concerning timber buyers).
IC 25-38.1-4-10 (Concerning veterinarians).
IC 25-38.1-4-11 (Concerning veterinarians).
IC 25-39-5-1 (Concerning water well drilling contractors).
IC 25-39-5-7 (Concerning water well drilling contractors).
IC 25-41-1-2 (Concerning behavior analysts).

P.L.59-2014
[S.234. Approved March 24, 2014.]

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

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

SECTION 1. IC 25-6.1-1-3, AS AMENDED BY P.L.1-2006, SECTION 422, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this article:

"Auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience, which exchanges consist of a series of invitations for offers for the purchase of goods or real estate made by the auctioneer and offers to purchase made by members of the audience

and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

"Auction company" means any person or persons who, as a part of its business, arranges, manages, sponsors, advertises, or carries out auctions.

~~"Auction house" means an established place of business including an auction barn, a sale barn, and a sale pavilion and its contiguous surroundings where two (2) or more auctions are held within any twelve (12) month period and where representations are regularly made that goods are sold at auction. Each day during which goods or real estate are being offered for sale at auction shall constitute one (1) auction. A sale barn or livestock auction market that is used exclusively for the auctioning of livestock and is licensed by the Indiana state board of animal health is not an auction house as defined herein.~~

"Auctioneer" means an individual who is engaged in, or who by advertising or otherwise holds the individual out as being available to engage in, the calling for, the recognition of, and the acceptance of offers for the purchase of goods or real estate at an auction.

"Commission" means the Indiana auctioneer commission.

"Goods" means any goods, wares, chattels, merchandise, or other personal property, including domestic animals and farm products.

"Licensee" means any person licensed ~~or issued a temporary permit~~ under this article and, in the case of an ~~auction house or~~ auction company, includes the person required to obtain a license for such ~~auction house or~~ auction company.

"Organization" means a corporation, a limited liability company, a partnership, a trust (specifically including a business trust), a firm, an association, or any other form of business enterprise which is owned by two (2) or more individuals.

"Person" means an organization or an individual.

"Real estate" means any right, title, or interest in real property, including fixtures.

"Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

SECTION 2. IC 25-6.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The commission is empowered to do the following:

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

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

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

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

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

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

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

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

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

(1) Standards for competent:

(A) practice as an auctioneer; and

(B) operation of an auction company. ~~or auction house.~~

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

SECTION 3. IC 25-6.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Coverage. (a) Except as provided in subsection (b), ~~of this section,~~ no individual may act as an auctioneer and no person may operate ~~an auction house or~~ an auction company without obtaining and having in full force and effect a valid license issued by the commission in accordance with this chapter.

(b) The requirements of this article do not apply to:

(1) An auction of goods or real estate conducted exclusively by individuals who personally own such goods or real estate and who did not acquire such goods or real estate for resale.

(2) An auction conducted by or under the direction of any public authority.

(3) An auction conducted pursuant to any judicial order or to the settlement of a decedent's estate.

(4) A sale conducted by or on behalf of any political party, church, charitable corporation, or association if the individual conducting the sale receives no compensation and does not, by advertising or otherwise, hold himself **or herself** out as being available to engage in the sale of goods or real estate at auction.

SECTION 4. IC 25-6.1-3-2, AS AMENDED BY P.L.105-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

(1) be at least eighteen (18) years of age;

(2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;

(3) not have a conviction for:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

(1) The value of real estate and of various goods commonly sold at an auction.

(2) Bid calling.

(3) Sale preparation, sale advertising, and sale summary.

(4) Mathematics.

(5) The provisions of this article and the commission's rules.

(6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

(1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.

(2) Pay the renewal fee established by the commission under IC 25-1-8-2.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and may verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not later than four (4) years after the date it expired if the license holder meets the requirements of IC 25-1-8-6(c).

(j) If a license has expired for a period of more than four (4) years, the holder of the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(k) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

(1) is licensed to act as an auctioneer in the state of the applicant's domicile;

(2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;

(3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;

(4) is a resident of a state that grants the same privileges to the licensees of Indiana; and

(5) includes with the application an irrevocable consent that

actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(l) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

~~(m) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.~~

~~(n) An applicant for a temporary permit must do the following:~~

~~(1) File an examination application.~~

~~(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.~~

~~(o) An individual who does not pass the examination required under subsection (n) may not be issued a temporary permit.~~

SECTION 5. IC 25-6.1-3-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. (a) This section does not apply to an organization that operates a wholesale dealer automobile auction.~~

~~(b) Every person, before operating an auction house, must obtain a license from the commission for that auction house.~~

~~(c) Except as provided in subsection (d), before applying for a license from the commission to operate an auction house, the following must obtain a license as an auctioneer as provided in section 2 of this chapter:~~

~~(1) An individual who seeks to operate an auction house.~~

~~(2) One (1) or more individuals designated by an organization that seeks to operate an auction house.~~

~~(d) Subsection (c) does not apply to:~~

~~(1) a person that holds a valid license for an auction house as of~~

~~June 30, 1998; or~~

~~(2) a person that holds a valid renewal of a license described in subdivision (1).~~

~~(e) Every applicant seeking to operate an auction house shall file with the commission a completed application on a form provided by the commission for a license for each auction house to be operated by that person. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.~~

~~(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and may verify the information contained therein.~~

~~(g) If the commission determines that the application has been completed and that the statements made therein by the applicant are true, the commission shall issue a license, in such form as it may prescribe, for such auction house.~~

~~(h) Auction house licenses shall expire on a date established by the licensing agency under IC 25-1-6-4, and every fourth year thereafter.~~

~~(i) If the holder of an auction house license does not renew the license by the date established by the licencing agency, the license expires and becomes invalid without any action taken by the commission.~~

~~(j) The holder of an auction house license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).~~

~~(k) The holder of an auction house license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).~~

SECTION 6. IC 25-6.1-3-4, AS AMENDED BY P.L.105-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Every person other than:

(1) an individual who is a licensed auctioneer; or

(2) an individual who has a licensed auction house **(until July 1, 2014)**;

who is seeking to operate as an auction company must obtain a license from the commission. Notwithstanding the fact that an individual who is a licensed auctioneer or **(until July 1, 2014)** an individual who has a licensed auction house also has an interest in an organization, every

organization which seeks to operate an auction company must obtain a license for that auction company.

(b) After June 30, 2014, an individual who holds an auction house license under IC 25-6.1-3-3 (before its repeal) may not conduct business without holding an auction company license as required under this article. This subsection expires April 1, 2016.

(c) An individual who holds an unexpired auction house license under IC 25-6.1-3-3 (before its repeal) may file with the commission a completed application for an auction company license on the form prescribed by the commission in rules adopted by the commission under IC 4-22-2. Upon the receipt of a completed application for an auction company license under this chapter, the commission shall examine the application and may verify the information contained in the application. Upon a determination by the commission that an application is complete and verified, the commission shall issue an auction company license, in a form it prescribes, to the applicant for a term equal to the remaining term of the unexpired auction house license. If an individual described in this subsection files a completed application for an auction company license before June 1, 2014, the commission shall determine whether the application is complete and verified before June 15, 2014. If the commission determines that the application is complete and verified, the commission shall issue the individual an auction company license before July 1, 2014.

~~(b)~~ **(d)** Every such person shall file with the commission a ~~completed~~ **complete** application on the form prescribed by the commission. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

~~(c)~~ **(e)** Upon the receipt of a completed application for an initial or renewal license, the commission shall examine the application and may verify the information contained therein.

~~(d)~~ **(f)** Upon a determination by the commission that an application is ~~completed~~ **complete** and duly verified, the commission shall issue an auction company license, in such form as it may prescribe, to the applicant.

~~(e)~~ **(g)** Auction company licenses shall expire on a date established by the licensing agency under IC 25-1-6-4, and every fourth year

thereafter.

~~(f)~~ **(h)** If the holder of an auction company license does not renew the license by the date established by the licensing agency, the license expires and becomes invalid without any action taken by the commission.

~~(g)~~ **(i)** The holder of an auction company license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

~~(h)~~ **(j)** The holder of an auction company license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

~~(i)~~ **(k)** Any individual who wishes to operate an auction company, and who is exempt under subsection (a) from obtaining an auction company license, shall, not more than thirty (30) days before the date on which the individual begins to operate an auction company, notify the commission, in a writing signed by the individual, that the individual is operating as an auction company or as more than one (1) auction company. The individual shall specify in such written notification the trade or business name, and the address of the principal place of business, of each auction company which the individual operates. Whenever an individual to whom this subsection applies shall discontinue the operation of an auction company theretofore operated by the individual, or shall change its address or trade or business name, the individual shall promptly notify the secretary of the commission of such discontinuance or change, in a writing signed by the individual.

SECTION 7. IC 25-6.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. All auctions arranged by or through ~~an auction house or~~ an auction company shall be conducted exclusively by individuals who are licensed as auctioneers under this chapter. ~~For purposes of this subsection only, the term "auction house" includes a sale barn or sale pavilion that is used exclusively for the auctioning of livestock and is licensed by the Indiana state board of animal health.~~

SECTION 8. IC 25-6.1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Written Contracts. Except with respect to goods sold through an auction house,~~ No licensee shall sell goods or real estate at auction until the auctioneer or auction company involved has first entered into a written contract with

the owner or consignor of such goods or real estate, which contract sets forth the terms and conditions upon which such auctioneer or auction company accepts the goods or real estate for sale. A copy of every written contract shall be retained for a period of two (2) years from the date of the auction.

SECTION 9. IC 25-6.1-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Advertising. All advertisements of auctions shall disclose:

(1) the auctioneer's name and the name of ~~the auction house or~~ the auction company involved; and

(2) the name of the owner or consignor of goods or real estate to be sold or the fact that the goods are being sold on general consignment.

SECTION 10. IC 25-6.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An individual may not act as an auctioneer without first having obtained and having in full force and effect the license required under this article.

~~(b) Except as provided in IC 25-6.1-3-3, a person may not operate an auction house without having obtained and having in full force and effect the license for the auction house as required under this article.~~

~~(c)~~ **(b)** A person (except a person who shall have become exempt, by reason of compliance with the provisions of IC 25-6.1-3-4, from the auction company licensing requirements of this article) may not operate an auction company without first having obtained and having in full force and effect the auction company license required under this article.

~~(d)~~ **(c)** A person who knowingly or intentionally violates the provisions of this section commits a Class A misdemeanor.

SECTION 11. IC 25-6.1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If the total amount in the auctioneer recovery fund (including principal and interest) is less than three hundred sixty thousand dollars ($360,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the auctioneer commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars ($400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Subtract the amount determined under STEP ONE from four hundred thousand dollars ($400,000).

STEP THREE: Determine the number of licensees who had licenses in effect on June 30 of the current year.

STEP FOUR: Divide the number determined under STEP TWO by the number determined under STEP THREE.

(b) The auctioneer commission shall assess the surcharge described in subsection (a) against each licensee who:

(1) receives an initial license; **or**

(2) receives a renewal license. ~~or~~

~~(3) receives a temporary permit.~~

(c) The auctioneer commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

SECTION 12. IC 25-6.1-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Any auctioneer **or** auction company ~~or auction house~~ that is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the licensee's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the auctioneer recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.

SECTION 13. IC 25-6.1-8-10, AS AMENDED BY P.L.134-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) If the commission is required to make any payment from the auctioneer recovery fund in settlement of a claim or toward the satisfaction of an order under this chapter, the commission shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either an auctioneer **or** auction company ~~or auction house~~ until the licensee has repaid in full the amount paid from the auctioneer recovery fund with interest of twelve percent (12%) per annum.

(b) A license suspension issued under this section must be done in

accordance with IC 4-21.5-3-6. The licensee may petition for review under IC 4-21.5-3-7.

SECTION 14. IC 25-6.1-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Subject to the approval of the state budget agency, the auctioneer commission may expend the interest earned by the auctioneer recovery fund for: ~~publications that provide:~~

(1) information concerning the commission's activities and administrative rulings; ~~and~~

(2) other educational information concerning the practice of auctioneering; **and**

(3) expenses related to the continuing education program.

SECTION 15. IC 25-6.1-9-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.5. The licensing agency may hire an education officer who reports directly to the director of the licensing agency to oversee routine and ongoing compliance with the continuing education requirements of this chapter.**

SECTION 16. [EFFECTIVE UPON PASSAGE] **The Indiana auctioneer commission shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 to prescribe the application form described in IC 25-6.1-3-4(c), as amended by this act. The emergency rules must be adopted and in effect before July 1, 2014. The emergency rules expire on the earlier of:**

(1) the date permanent rules are adopted under IC 25-6.1-3-4(c), as amended by this act; or

(2) June 30, 2015.

This SECTION expires July 1, 2015.

SECTION 17. **An emergency is declared for this act.**

P.L.60-2014
[S.311. Approved March 24, 2014.]

AN ACT to repeal a provision of the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-20-2-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. (a) The following losses and expenses are chargeable to the county in which an attack or exposure occurs:~~

~~(1) Damages, less compensation by insurance or otherwise, sustained by the owner of the following stock, fowl, or game killed, maimed, or damaged by a dog:~~

~~(A) Sheep.~~

~~(B) Cattle.~~

~~(C) Horses.~~

~~(D) Swine.~~

~~(E) Goats.~~

~~(F) Mules.~~

~~(G) Chickens.~~

~~(H) Geese.~~

~~(I) Turkeys.~~

~~(J) Ducks.~~

~~(K) Guineas.~~

~~(L) Tame rabbits.~~

~~(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.~~

~~(N) Bison.~~

~~(O) Farm raised cervidae.~~

~~(P) Ratitae.~~

~~(Q) Camelidae.~~

~~(2) The expense of rabies post exposure prophylaxis that is~~

~~incurred by any person who is bitten by or exposed to a dog known to have rabies.~~

~~(b) Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.~~

SECTION 2. IC 15-20-2-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) A county auditor shall establish procedures in accordance with the requirements of sections 3(a) and 6 of this chapter by which a claimant may submit a claim to the county auditor or a designee of the county auditor.~~

~~(b) A county auditor who:~~

~~(1) receives a verified claim under section 3(a) of this chapter from a claimant; and~~

~~(2) is satisfied that the claim meets the requirements of sections 3(a) and 6 of this chapter;~~

~~shall immediately issue a warrant or check to the claimant for the verified amount of the claim. If a county option dog tax adopted under IC 6-9-39 is not in effect in the county, a claim under this section may be paid out of nonappropriated funds. A county auditor who is not satisfied that a claim meets the requirements of sections 3(a) and 6 of this chapter shall promptly notify the claimant.~~

~~(c) A person whose claim under section 3(a) of this chapter is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and sections 3 and 6 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or sections 3 and 6 of this chapter in evaluating the person's claim, the court may fashion an appropriate remedy, including an order directed to the county auditor to reconsider the person's claim.~~

SECTION 3. IC 15-20-2-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. A person requiring the treatment described in section 3(a)(2) of this chapter may select the person's own physician.~~

SECTION 4. IC 15-20-2-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. (a) An owner desiring to make a claim under section 3(a)(1) of this chapter must do the following:~~

~~(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the~~

~~location where the loss occurred:~~

~~(A) A law enforcement officer.~~

~~(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.~~

~~(2) Not more than twenty (20) days after the time of the loss, report the loss to the county auditor as follows:~~

~~(A) Under oath, the owner shall state:~~

~~(i) the number, age, and value of the stock, fowl, or game; and~~

~~(ii) the damages sustained, less compensation by insurance or otherwise.~~

~~(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:~~

~~(i) disinterested; and~~

~~(ii) not related by blood or marriage to the claimant.~~

~~(C) An appraisal of the stock, fowl, or game that were killed, maimed, or damaged may not exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value may not exceed the slaughter value.~~

~~(D) The owner shall provide verification of the loss by an officer described in subdivision (1).~~

~~(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.~~

~~(b) In addition to the requirements of subsection (a), the claimant, if requested to do so by the county auditor or a person designated by the county auditor, must grant the right of subrogation to the county for the total amount paid on the claim to the claimant by the county on a form prescribed by the county auditor.~~

SECTION 5. IC 15-20-2-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. (a) An officer who receives notice under section 6(a)(1) of this chapter shall visit the scene of the loss, verify the loss in writing, and mark each killed, maimed, or damaged animal so that the animal can support only one (1) claim under this chapter.~~

~~(b) A person desiring to make a claim under section 3(a)(2) of this chapter must provide the county auditor with documentation that the person, or a person for whom the claimant is financially responsible, underwent rabies post exposure prophylaxis.~~

P.L.61-2014
[S.349. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-4.7-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. "Caller" has the meaning set forth in IC 24-5-14-2.**

SECTION 2. IC 24-4.7-2-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.7. "Supplier" has the meaning set forth in IC 24-5-0.5-2(a)(3).**

SECTION 3. IC 24-4.7-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section does not apply to a person obtaining consumer information for inclusion in directory assistance and telephone directories sold by telephone companies.

(b) A telephone solicitor, **a supplier, a caller,** or **any other** person who obtains consumer information that includes telephone numbers shall exclude the telephone numbers that appear on the division's most current listing.

SECTION 4. IC 24-4.7-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A telephone solicitor, **a supplier, or a caller** must also comply with all other applicable laws, including the following, if applicable:

(1) IC 24-5-12.
(2) IC 24-5-14.
(3) IC 24-5-14.5.

SECTION 5. IC 24-4.7-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) This section does not apply to the sale, transfer, or provision of a consumer's telephone number to a person that is exempt from this article under IC 24-4.7-1-1.**

(b) A telephone solicitor, a supplier, or a caller may not sell, transfer, or make available to another person for solicitation purposes a consumer's telephone number if the telephone solicitor, supplier, or caller knows that the telephone number appears in the most current quarterly listing published by the division.

(c) A telephone solicitor, a supplier, or a caller may not transfer a live call to one (1) or more other persons if the call has been placed to a consumer in violation of this article or IC 24-5-14.

(d) A telephone solicitor, a supplier, or a caller may not provide substantial assistance or support to another person if the telephone solicitor, supplier, or caller knows or consciously avoids knowing that the person has engaged in any act or practice that violates this article or IC 24-5-14.

SECTION 6. IC 24-4.7-5-1, AS AMENDED BY P.L.222-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A telephone solicitor, **a supplier, or a caller** who fails to comply with any provision of IC 24-4.7-4 commits a deceptive act that is actionable by the attorney general under this chapter. In addition, a contractor who contracts or seeks to contract with the state:

(1) may be prohibited from contracting with the state; or
(2) may have an existing contract with the state voided;

if the contractor, an affiliate or principal of the contractor, or any agent acting on behalf of the contractor or an affiliate or principal of the contractor does not or has not complied with the terms of this article, even if this article is preempted by federal law.

P.L.62-2014
[S.350. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.259-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year. The term includes a person who sells off-road vehicles and, after December 31, 2013, a person who sells snowmobiles. A dealer must have an established place of business that meets the minimum standards prescribed by the secretary of state under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) An automotive mobility dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft;

per year.

(d) "Dealer", for purposes of IC 9-32, and unless otherwise provided, means:

(1) an automobile auctioneer;

(2) an automotive mobility dealer;

(3) a converter manufacturer;
(4) a dealer;
(5) a distributor;
(6) a distributor representative;
(7) a factory or manufacturer representative;
(8) a manufacturer;
(9) a salvage dealer;
(10) a transfer dealer;
(11) a watercraft dealer; or
(12) a wholesale dealer.

SECTION 2. IC 9-22-1-19, AS AMENDED BY P.L.125-2012, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section 13, 14, or 16 of this chapter, the public agency or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(b) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than seventy-two (72) hours after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the:

(1) name;
(2) address; and
(3) telephone number;

of the public agency or towing service. The notice must be made by certified mail **or a certificate of mailing** or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

SECTION 3. IC 9-29-17-1, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in section 3 of this chapter, the fee for the first two (2) license plates issued under IC 9-32-6-1 to a manufacturer or dealer is forty dollars ($40).

(b) The fee for each additional license plate under IC 9-32-6-5 for a manufacturer or dealer is fifteen dollars ($15).

(c) The fee for a dealer promotional license plate established under IC 9-32-6-2(b) is forty dollars ($40).

(d) The fee for the first two (2) dealer-wholesale license plates issued to an applicant under IC 9-32-6-2(a)(4) is one hundred twenty-five dollars ($125). The fee for each additional dealer-wholesale license plate issued to the applicant is fifteen dollars ($15). **This subsection expires July 1, 2015.**

(e) Fees collected under this section shall be deposited as set forth in section 14(b) of this chapter.

SECTION 4. IC 9-29-17-5, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The fee under IC 9-32-8-2 for a boat dealer license ~~for each full year~~ is thirty dollars ($30). ~~for the first place of business, plus ten dollars ($10) for each additional place of business.~~

(b) The secretary of state retains the fees collected under subsection (a).

SECTION 5. IC 9-29-17-7, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The fee for an initial license under IC 9-32-9 is ten dollars ($10).

~~(b) The fee for a supplemental license under IC 9-32-9 is five dollars ($5).~~

~~(c)~~ **(b)** The fee for a renewal license under IC 9-32-9 is ten dollars ($10).

~~(d)~~ **(c)** A licensing fee that is submitted with an application under IC 9-32-9

~~(1) is nonrefundable; and~~

~~(2)~~ shall be retained by the secretary of state.

~~if the application is rejected by the secretary of state.~~

SECTION 6. IC 9-29-17-8, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The fee for a license for a manufacturer or a distributor under IC 9-32-11-1 is thirty-five dollars ($35). ~~including a factory branch as set forth in IC 9-13-2-97(b)(1).~~ The fees collected shall be deposited as set forth in IC 9-32-7-3.

SECTION 7. IC 9-29-17-9, AS ADDED BY P.L.92-2013,

SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The fee for a license for a dealer or an automobile auctioneer under IC 9-32-11-1 is

~~(1)~~ thirty dollars ($30). ~~for the first place of business. and~~

~~(2) an additional ten dollars ($10) for each place of business not immediately adjacent to the first place of business.~~

The fees collected shall be deposited as set forth in IC 9-32-7-3.

SECTION 8. IC 9-29-17-10, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The fee for a ~~factory~~ **manufacturer** representative, a distributor representative, a wholesale dealer, a transfer dealer, a converter manufacturer, or an automotive mobility dealer under IC 9-32-11-1 is twenty dollars ($20). The fee for an automotive mobility dealer who:

(1) buys or sells vehicles, or both;

(2) sells, installs, or services, offers to sell, install, or service, or solicits or advertises the sale, installation, or servicing of equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged; or

(3) performs acts described in both subdivisions (1) and (2);

is twenty dollars ($20). The fees collected shall be deposited as set forth in IC 9-32-7-3.

SECTION 9. IC 9-29-17-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. The fees under sections 5, 7, 8, 9, 10, and 12 of this chapter are nonrefundable.**

SECTION 10. IC 9-29-17-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15. The revenue from the license fees collected under IC 9-32-9 shall be deposited in the motor vehicle highway account under IC 8-14-1.~~

SECTION 11. IC 9-32-6-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person licensed under IC 9-32-11 may apply for a dealer license plate. The application must include any information the secretary reasonably requires. Upon application, a distinctive registration number shall be assigned to each applicant. Two (2) certificates of registration and two (2) metal license plates bearing the

registration number of the applicant shall then be issued to the applicant. **A dealer may apply for and receive additional dealer plates as set forth in section 5 of this chapter.**

SECTION 12. IC 9-32-6-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The secretary shall issue dealer license plates under this chapter according to the following classifications:

(1) Dealer-new.
(2) Dealer-used.
(3) Manufacturer.
(4) Dealer-wholesale.

The secretary may not issue a license plate described in subdivision (4) after June 30, 2015.

(b) The secretary may adopt rules under IC 4-22-2 to establish additional classifications of dealer license plates, and may prescribe the general conditions for usage of an additional classification. The secretary shall establish the classifications of antique car museum dealer license plates and dealer promotional license plates.

SECTION 13. IC 9-32-6-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Upon payment of the fee under IC 9-29-17-1(b), an applicant may obtain additional dealer license plates of the same category. The applicant must demonstrate the applicant's need for additional plates by stating the applicant's number of employees, annual sales, and other supporting factors. The secretary shall determine whether the applicant ~~is entitled to~~ **may receive** additional plates.

SECTION 14. IC 9-32-6-6, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) This section applies to dealer license plates (other than dealer-wholesale license plates) issued before January 1, 2015.**

(b) Dealer license plates issued to licensed dealers under this ~~chapter expire~~ **article are valid from the issue date through the expiration date** as follows:

(1) **Dealer license plates of** a person whose business name begins with the letters A through B ~~inclusive,~~ **expire** March 1, ~~of each year.~~ **2015.**

(2) **Dealer license plates of** a person whose business name begins with the letters C through D ~~inclusive,~~ **expire** April 1, ~~of each year.~~ **2015.**

(3) **Dealer license plates of** a person whose business name begins with the letters E through G ~~inclusive,~~ **expire** May 1, ~~of each year.~~ **2015.**

(4) **Dealer license plates of** a person whose business name begins with the letters H through I ~~inclusive,~~ **expire** June 1, ~~of each year.~~ **2015.**

(5) **Dealer license plates of** a person whose business name begins with the letters J through L ~~inclusive,~~ **expire** July 1, ~~of each year.~~ **2015.**

(6) **Dealer license plates of** a person whose business name begins with the letters M through O ~~inclusive,~~ **expire** August 1, ~~of each year.~~ **2015.**

(7) **Dealer license plates of** a person whose business name begins with the letters P through R ~~inclusive,~~ **expire** September 1, ~~of each year.~~ **2015.**

(8) **Dealer license plates of** a person whose business name begins with the letters S through T ~~inclusive,~~ **expire** October 1, ~~of each year.~~ **2015.**

(9) **Dealer license plates of** a person whose business name begins with the letters U through Z ~~inclusive,~~ **expire** November 1, ~~of each year.~~ **2015.**

Dealer license plates issued to a sole proprietor expire based upon the name of the sole proprietorship.

(c) This section expires January 1, 2017.

SECTION 15. IC 9-32-6-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.3. (a) This section applies only to dealer-wholesale license plates.**

(b) A dealer-wholesale license plate issued before July 1, 2014, is valid from the issue date through the applicable expiration date set forth in section 6(b) of this chapter.

(c) A dealer-wholesale license plate issued after June 30, 2014, and before July 1, 2015, expires June 30, 2015.

(d) This section expires January 1, 2016.

SECTION 16. IC 9-32-6-6.5 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.5. (a) This section applies to dealer license plates (other than dealer-wholesale license plates) issued after December 31, 2014.**

(b) Dealer license plates issued to licensed dealers under this article are valid from the issue date through the expiration date as follows:

(1) Dealer license plates of a person whose business name begins with the letters A through B expire February 1 of each year.

(2) Dealer license plates of a person whose business name begins with the letters C through D expire March 1 of each year.

(3) Dealer license plates of a person whose business name begins with the letters E through F expire April 1 of each year.

(4) Dealer license plates of a person whose business name begins with the letters G through H expire May 1 of each year.

(5) Dealer license plates of a person whose business name begins with the letters I through J expire June 1 of each year.

(6) Dealer license plates of a person whose business name begins with the letters K through L expire July 1 of each year.

(7) Dealer license plates of a person whose business name begins with the letters M through N expire August 1 of each year.

(8) Dealer license plates of a person whose business name begins with the letters O through P expire September 1 of each year.

(9) Dealer license plates of a person whose business name begins with the letters Q through R expire October 1 of each year.

(10) Dealer license plates of a person whose business name begins with the letters S through T expire November 1 of each year.

(11) Dealer license plates of a person whose business name begins with the letters U through V expire December 1 of each year.

(12) Dealer license plates of a person whose business name

begins with the letters W through Z expire January 1 of each year.

Dealer license plates issued to a sole proprietor expire based upon the name of the sole proprietorship.

(c) Notwithstanding subsection (b), a dealer license plate issued in 2015 expires as follows:

Plate issued to a person with a business name beginning with:	**Plate expiration date:**
A through B	**February 1, 2016**
C through D	**March 1, 2016**
E through F	**April 1, 2016**
G through H	**May 1, 2016**
I through J	**June 1, 2016**
K through L	**July 1, 2016**
M through N	**August 1, 2016**
O through P	**September 1, 2016**
Q through R	**October 1, 2016**
S through T	**November 1, 2016**
U through V	**December 1, 2016**
W through Z	**January 1, 2017**

This subsection expires January 2, 2017.

(d) This subsection expires December 31, 2017. For a dealer license plate issued in 2015, the dealer services division shall impose a fee for the dealer license plate under IC 9-29-17 in the amount that bears the same proportion to the annual fee for the dealer license plate as the number of months the dealer license plate is valid bears to twelve (12).

SECTION 17. IC 9-32-6-7, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in sections 8 and 9 of this chapter, dealer-new, dealer-used, manufacturer, and ~~wholesale~~ **dealer-wholesale** license plates may be used only on motor vehicles in the:

(1) dealer's inventory being held for sale;

(2) usual operation of the manufacturer's or dealer's business;

(3) movement of the manufacturer's or dealer's inventory; or

(4) inventory of a manufacturer or dealer that is unattended by the

manufacturer or dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.

(b) The license plates referenced in subsection (a) must be:

(1) primarily used or stored at an address within Indiana; or

(2) displayed on a vehicle being transported for purposes of sale by a licensed Indiana dealer.

(c) This subsection expires January 1, 2016. A dealer-wholesale license plate may not be issued or displayed after June 30, 2015.

SECTION 18. IC 9-32-6-8, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. Dealer-new, dealer-used, manufacturer, and ~~wholesale~~ **dealer-wholesale** license plates may be used without restriction by a manufacturer, a dealer, or an employee of a manufacturer or a dealer in compliance with rules adopted by the secretary to prohibit use of the plates solely to avoid payment of applicable taxes. **However, a dealer-wholesale license plate may not be used or displayed after June 30, 2015.**

SECTION 19. IC 9-32-6-9, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. Dealer-new, dealer-used, manufacturer, and **dealer-**wholesale license plates may be used without restriction by a designee of a dealer or a designee of a manufacturer under rules adopted by the secretary. The rules must provide the following:

(1) The dealer or manufacturer is to be assessed and pay the motor vehicle excise tax under IC 6-6-5 attributable to that part of the total year that the designee operates the motor vehicle.

(2) The dealer or manufacturer shall report to the secretary the date of assignment to a designee, the designee's name and address, and the date of termination of the assignment within ten (10) days after the assignment or termination.

(3) The tax calculated in subdivision (1) shall be paid within thirty (30) days after the termination of the assignment to the designee or at the time the dealer or manufacturer purchases license plates under this chapter.

However, a dealer-wholesale license plate may not be used or displayed after June 30, 2015.

SECTION 20. IC 9-32-6-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 10. Dealer-new, dealer-used, manufacturer, and ~~wholesale~~ **dealer-wholesale** license plates may not be used on a vehicle that:

(1) is required to be registered; and

(2) has a fee charged by dealers to others for the use of the vehicle.

However, a dealer-wholesale license plate may not be used or displayed after June 30, 2015.

SECTION 21. IC 9-32-7-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. All money collected by the secretary from manufacturers, ~~factory branches,~~ distributors, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or automotive mobility dealers for licenses and permit fees under IC 9-29-17-8 through IC 9-29-17-13 shall be deposited as follows:

(1) Thirty percent (30%) to the dealer compliance account established by section 1 of this chapter.

(2) Forty percent (40%) to the motor vehicle highway account under IC 8-14-1.

(3) Twenty percent (20%) to the state police department, and this amount is continuously appropriated to the department for its use in enforcing odometer laws.

(4) Ten percent (10%) to the attorney general, and this amount is continuously appropriated to the attorney general for use in enforcing odometer laws.

SECTION 22. IC 9-32-8-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. Boat dealers are classified for the purposes of this chapter and IC 9-29-17-5 into two (2) categories as follows:~~

~~(1) Class A dealers having more than one (1) business location for the sale of boats.~~

~~(2) Class B dealers having only one (1) business location for the sale of boats.~~

SECTION 23. IC 9-32-8-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A boat dealer license issued under this chapter ~~is valid for one (1) year after the date the~~ **shall be issued and expires based on the business name of the** boat dealer ~~license, is issued~~ **as set**

forth in IC 9-32-11-12 or IC 9-32-11-12.5. All license fees shall be paid at the ~~annual~~ rate under IC 9-29-17-5.

SECTION 24. IC 9-32-9-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Each license under this chapter, except an initial license, shall be issued ~~for a twelve (12) month period beginning March 1 and expiring~~ **based on** the ~~last day of February of each year. An initial license may be issued for a period of less than twelve (12) months, but the license must expire on the last day of February immediately following the date the license is issued.~~ **business name as set forth in IC 9-32-11-12 or IC 9-32-11-12.5.**

SECTION 25. IC 9-32-9-8, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. If the secretary approves a license application under this chapter, the secretary shall grant the applicant

~~(1) an initial~~ **a** license for the applicant's principal place of business. ~~and~~

~~(2) a supplemental license for each other place of business listed on the application.~~

SECTION 26. IC 9-32-11-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following persons must be licensed under this article to engage in the business of buying or selling motor vehicles or semitrailers:

(1) An automobile auctioneer.
(2) A converter manufacturer.
(3) A dealer.
(4) A distributor.
(5) A distributor representative.
~~(6) A factory branch.~~
~~(7) A factory representative.~~
~~(8)~~ **(6)** A manufacturer.
(7) A manufacturer representative.
~~(9)~~ **(8)** A transfer dealer.
~~(10)~~ **(9) Before July 1, 2015,** a wholesale dealer.
~~(11)~~ **(10)** An automotive mobility dealer.

(b) An automotive mobility dealer who engages in the business of:

(1) selling, installing, or servicing;

(2) offering to sell, install, or service; or

(3) soliciting or advertising the sale, installation, or servicing of; equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged must be licensed under this article.

SECTION 27. IC 9-32-11-1, AS AMENDED BY SEA 350-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The following persons must be licensed under this article to engage in the business of buying or selling motor vehicles or semitrailers:

(1) An automobile auctioneer.

(2) A converter manufacturer.

(3) A dealer.

(4) A distributor.

(5) A distributor representative.

(6) A manufacturer.

(7) A manufacturer representative.

(8) A transfer dealer.

(9) Before July 1, 2015, a wholesale dealer.

(10) An automotive mobility dealer.

(b) An automotive mobility dealer who engages in the business of:

(1) selling, installing, or servicing;

(2) offering to sell, install, or service; or

(3) soliciting or advertising the sale, installation, or servicing of; equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged must be licensed under this article.

(c) An automotive mobility dealer that fails to be licensed under this article and engages in the businesses described in subsection (b) commits a Class A infraction.

SECTION 28. IC 9-32-11-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An application for a license under this chapter must:

(1) be accompanied by payment of the applicable fee required under IC 9-29-17;

(2) be on a form prescribed by the secretary;

(3) contain the information the secretary considers necessary to

enable the secretary to determine fully:

(A) the qualifications and eligibility of the applicant to receive the license;

(B) the location of each of the applicant's places of business in Indiana; and

(C) the ability of the applicant to conduct properly the business for which the application is submitted; and

(4) contain evidence of a bond required in subsection (e).

An application for a wholesale dealer license must contain the additional information required in section 3 of this chapter. **The secretary of state may not accept an application for a wholesale dealer license after June 30, 2015.**

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or another computer network to facilitate the sale of motor vehicles to consumers in Indiana shall, if the applicant's activities may result in the creation of business records outside Indiana, provide the division with the name, address, and telephone number of the person who has control of those business records. The secretary may not issue a license to a dealer who transacts business in this manner and does not have an established place of business in Indiana, except as proved under section 11(h) of this chapter.

(d) The application must include an affidavit from:

(1) the person charged with enforcing a zoning ordinance, if one exists; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a license until the applicant files the affidavit.

(e) Except as provided in subsection (g), a licensee shall maintain a bond satisfactory to the secretary in the amount of twenty-five thousand dollars ($25,000). The bond must:

(1) be in favor of the state; and

(2) secure payment of fines, penalties, costs, and fees assessed by

the secretary after:

(A) notice;

(B) opportunity for a hearing; and

(C) opportunity for judicial review;

in addition to securing the payment of damages to a person aggrieved by a violation of this ~~chapter~~ **article** by the licensee after a judgment has been issued.

(f) Service under this chapter shall be made in accordance with the Indiana Rules of Trial Procedure.

(g) Instead of meeting the requirement in subsection (e), a licensee may submit to the secretary evidence that the licensee is a member of a risk retention group that is regulated by the Indiana department of insurance.

SECTION 29. IC 9-32-11-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. In addition to the requirements of section 2 of this chapter, a license application for a wholesale dealer must contain the following:

(1) A copy of a written lease that has a term of not less than one (1) year, if the established place of business is not owned by the applicant.

(2) If the application is the initial application, photographs of the established place of business. The photographs must include but are not limited to the:

(A) major exterior advertising sign; and

(B) display and office building.

This section expires July 1, 2015.

SECTION 30. IC 9-32-11-4, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A wholesale dealer that has been issued a license under this chapter must maintain the following standards for the license to remain valid:

(1) A conspicuous permanent sign with letters at least six (6) inches high bearing:

(A) the business name of the wholesale dealer; and

(B) the hours of operation of the wholesale dealer;

must be located on the exterior of the established place of business of the wholesale dealer.

(2) The office of the wholesale dealer must be:

(A) housed at the established place of business of the wholesale dealer;

(B) at least one hundred (100) square feet; and

(C) served with utilities such as electricity, lighting, heat, and a business telephone exclusively for the use of the wholesale dealer.

(3) The wholesale dealer or an employee of the wholesale dealer must be present for the purposes of inspection of records at the established place of business of the wholesale dealer during the posted hours of operation of the business of the wholesale dealer.

(4) All business records of the wholesale dealer must be kept at the licensed place of business of the wholesale dealer.

This section expires July 1, 2015.

SECTION 31. IC 9-32-11-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A manufacturer, distributor, ~~factory branch,~~ or dealer proposing to sell new motor vehicles shall file and maintain with the secretary:

(1) a current copy of each franchise to which the person is a party; or

(2) if the person is a party to multiple franchises that are identical except for stated items, a copy of the franchise form with supplemental schedules of variations from the form.

SECTION 32. IC 9-32-11-6, AS AMENDED BY SEA 24-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The license issued to a ~~factory branch, an automobile auctioneer, a transfer dealer, or a~~ dealer under this chapter:

(1) must specify the location of each place of business; and

(2) shall be conspicuously displayed at each business location.

(b) If a licensee's business name or location is changed, the licensee shall notify the secretary not later than ten (10) days after the change and remit the fee required under IC 9-29-17. The secretary shall endorse the change on the license if the secretary determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or another computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary not later than ten (10) days after any

change in a name, address, or telephone number documented in business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-17.

(d) A dealer who wants to change a location must submit to the secretary an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The secretary may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite **sales** license issued under section 11 of this chapter does not constitute a change of location.

SECTION 33. IC 9-32-11-7, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A license issued to a ~~factory~~ representative ~~or distributor representative~~ must state the name of the representative's employer. Within ten (10) days after a change of employer, the licensee shall mail the license to the secretary and indicate the name and address of the licensee's new employer. The secretary shall endorse the change on the license and return the license to the licensee in care of the new employer of the licensee. A ~~factory~~ representative ~~distributor representative,~~ or, **before July 1, 2015,** wholesale dealer must have a license when engaged in business and shall display the license upon request. A temporary license for a ~~factory~~ representative ~~or distributor representative~~ may be issued for a period of not more than one hundred twenty (120) days pending investigation by the secretary of the representative's qualification for a license.

SECTION 34. IC 9-32-11-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. This section does not apply to sales made at a motor vehicle industry sponsored trade show. A dealer **who sells to the general public** may not sell or offer to sell a vehicle at a location

away from the dealer's established place of business without obtaining an offsite sales license under section 11 of this chapter.

SECTION 35. IC 9-32-11-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a) This section applies to licenses (other than wholesale dealer licenses) issued before January 1, 2015.**

(b) ~~A~~ **An initial or renewed** license issued under this ~~chapter~~ **article** is valid ~~for a one (1) year period~~ **from the issue date through the expiration date** in accordance with the following schedule:

(1) **The license of** a person whose business name begins with the letters A through B ~~inclusive, shall register before~~ **expires** March 1, ~~of each year.~~ **2015.**

(2) **The license of** a person whose business name begins with the letters C through D ~~inclusive, shall register before~~ **expires** April 1, ~~of each year.~~ **2015.**

(3) **The license of** a person whose business name begins with the letters E through G ~~inclusive, shall register before~~ **expires** May 1, ~~of each year.~~ **2015.**

(4) **The license of** a person whose business name begins with the letters H through I ~~inclusive, shall register before~~ **expires** June 1, ~~of each year.~~ **2015.**

(5) **The license of** a person whose business name begins with the letters J through L ~~inclusive, shall register before~~ **expires** July 1, ~~of each year.~~ **2015.**

(6) **The license of** a person whose business name begins with the letters M through O ~~inclusive, shall register before~~ **expires** August 1, ~~of each year.~~ **2015.**

(7) **The license of** a person whose business name begins with the letters P through R ~~inclusive, shall register before~~ **expires** September 1, ~~of each year.~~ **2015.**

(8) **The license of** a person whose business name begins with the letters S through T ~~inclusive, shall register before~~ **expires** October 1, ~~of each year.~~ **2015.**

(9) **The license of** a person whose business name begins with the letters U through Z ~~inclusive, shall register before~~ **expires** November 1, ~~of each year.~~ **2015.**

A sole proprietor shall register based upon the name of the sole proprietorship.

SECTION 36. IC 9-32-11-12, AS AMENDED BY SEA 350, SECTION 34, AND AS AMENDED BY HEA 1279-2014, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. (a) This section applies to licenses (other than wholesale dealer licenses) issued before January 1, 2015.

~~(a)~~ (b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:

(1) The license of a person whose business name begins with the letters A through B expires March 1, 2015.

(2) The license of a person whose business name begins with the letters C through D expires April 1, 2015.

(3) The license of a person whose business name begins with the letters E through G expires May 1, 2015.

(4) The license of a person whose business name begins with the letters H through I expires June 1, 2015.

(5) The license of a person whose business name begins with the letters J through L expires July 1, 2015.

(6) The license of a person whose business name begins with the letters M through O expires August 1, 2015.

(7) The license of a person whose business name begins with the letters P through R expires September 1, 2015.

(8) The license of a person whose business name begins with the letters S through T expires October 1, 2015.

(9) The license of a person whose business name begins with the letters U through Z expires November 1, 2015.

~~(b)~~ **(c)** A sole proprietor shall register based upon the name of the sole proprietorship.

~~(c) A sole proprietor who does not register based upon the name of the sole proprietorship commits a Class A infraction.~~

(d) A person **that is** required to ~~be licensed~~ **hold a license described in subsection (a) and** that fails to ~~register in accordance~~ **comply** with ~~the schedule set forth in subsection (a)~~ **that requirement** commits a Class A infraction.

SECTION 37. IC 9-32-11-12.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.3 (a) This section applies only to wholesale dealer licenses.**

(b) A wholesale dealer license issued before July 1, 2014, is valid from the issue date through the applicable expiration date set forth in section 12(b) of this chapter.

(c) A wholesale dealer license issued after June 30, 2014, and before July 1, 2015, expires June 30, 2015.

(d) This section expires January 1, 2016.

SECTION 38. IC 9-32-11-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. (a) This section applies to licenses (other than wholesale dealer licenses) issued after December 31, 2014.**

(b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:

(1) A license for a person whose business name begins with the letters A through B expires February 1 of each year.

(2) A license for a person whose business name begins with the letters C through D expires March 1 of each year.

(3) A license for a person whose business name begins with the letters E through F expires April 1 of each year.

(4) A license for a person whose business name begins with the letters G through H expires May 1 of each year.

(5) A license for a person whose business name begins with the letters I through J expires June 1 of each year.

(6) A license for a person whose business name begins with the letters K through L expires July 1 of each year.

(7) A license for a person whose business name begins with the letters M through N expires August 1 of each year.

(8) A license for a person whose business name begins with the letters O through P expires September 1 of each year.

(9) A license for a person whose business name begins with the letters Q through R expires October 1 of each year.

(10) A license for a person whose business name begins with the letters S through T expires November 1 of each year.

(11) A license for a person whose business name begins with the letters U through V expires December 1 of each year.

(12) A license for a person whose business name begins with the letters W through Z expires January 1 of each year.

A sole proprietor shall register based upon the name of the sole

proprietorship.

(c) Notwithstanding subsection (b), a license issued in 2015 expires as follows:

License issued to a person with a business name beginning with:	License expiration date:
A through B	**February 1, 2016**
C through D	**March 1, 2016**
E through F	**April 1, 2016**
G through H	**May 1, 2016**
I through J	**June 1, 2016**
K through L	**July 1, 2016**
M through N	**August 1, 2016**
O through P	**September 1, 2016**
Q through R	**October 1, 2016**
S through T	**November 1, 2016**
U through V	**December 1, 2016**
W through Z	**January 1, 2017**

This subsection expires January 2, 2017.

(d) This subsection expires December 31, 2017. For a license issued in 2015, the dealer services division shall impose a fee for the license under IC 9-29-17 in the amount that bears the same proportion to the annual fee for the license as the number of months the license is valid bears to twelve (12).

SECTION 39. IC 9-32-11-17, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. **This section does not apply to a wholesale dealer.** A dealer who sells a motor vehicle through the use of the Internet or another computer network shall deliver the motor vehicle to the customer, or the customer's representative, at the place of business of the dealer in Indiana.

SECTION 40. IC 9-32-16-1, AS AMENDED BY SEA 24-2014, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter shall be administered by the secretary.

(b) The secretary:

(1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and

(2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) The secretary may develop and implement dealer's and vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of vehicles, with particular emphasis on the prevention and detection of fraud involving vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education program.

(f) Fees and funds accruing from the administration of this article:

(1) described in IC 9-32-7-1(d) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer compliance account established by IC 9-32-7-1(a);

(2) described in IC 9-32-7-2(b) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer enforcement account established by IC 9-32-7-2(a);

(3) described in IC 9-29-17-14(b)(2), ~~IC 9-29-17-14(c)(2),~~ **IC 9-29-17-14(c)(3),** ~~IC 9-29-17-15,~~ and IC 9-32-7-3(2) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the motor vehicle highway account under IC 8-14-1;

(4) described in IC 9-32-7-3(3) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the state police department, and these fees and funds are continuously appropriated to the department for its use in enforcing odometer laws;

(5) described in IC 9-32-7-3(4) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the attorney general, and these fees and funds are continuously appropriated to the attorney general for use in enforcing odometer laws; and

(6) described in IC 9-29-1-4(a) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the state police building account.

Expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, grants and donations under subsection (e), costs of investigations, and civil penalties recovered under this chapter shall be deposited by the treasurer of state in the dealer enforcement account established by IC 9-32-7-2. The funds in the dealer compliance account established by IC 9-32-7-1 must be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this article.

(g) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the director upon the request of the director. To that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the director as the demands of the division require. Expenses incurred by the attorney general for the purposes stated under this subsection are chargeable against and shall be paid out of funds appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the director and the director's designee to represent the director and the division in any proceeding involving enforcement or defense of this article.

(h) The secretary, director, and employees of the division are not liable in an individual capacity, except to the state, for an act done or

omitted in connection with the performance of their duties under this article.

(i) The director and each attorney or investigator designated by the secretary:

(1) are police officers of the state;

(2) have all the powers and duties of police officers in conducting investigations for violations of this article, or in serving any process, notice, or order issued by an officer, authority, or court in connection with the enforcement of this article; and

(3) comprise the enforcement department of the division.

The division is a criminal justice agency for purposes of IC 5-2-4-1(3) and IC 10-13-3-6.

(j) The provisions of this article delegating and granting power to the secretary, division, and director shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented; and

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured.

(k) Copies of any statements and documents filed in the office of the secretary and of any records of the secretary certified by the director are admissible in any prosecution, action, suit, or proceeding based on, arising out of, or under this article to the same effect as the original of the statement, document, or record would be if actually produced.

SECTION 41. IC 9-32-16-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An order issued under this article may deny a dealer license application for registration if the secretary finds that the order is in the public interest and subsection (c) authorizes the action. An order may condition or limit the license of an applicant to be a dealer and, if the applicant for a dealer license is a partner, officer, director, or person having similar status or performing similar functions, or a person directly or indirectly in control of the dealership, the order may condition or limit the license.

(b) If the secretary finds that an order is in the public interest and subsection (c) authorizes the action, an order issued under this article may deny, revoke, suspend, condition, limit, or permanently bar the

granting of a license to or an application for a license from a dealer, or a partner, an officer, a director, or a person having a similar status or performing similar functions as a dealer, or a person directly or indirectly in control of the dealer. However, the secretary may not:

(1) institute a revocation or suspension proceeding under this subsection based on an order issued under the law of another state that is reported to the secretary or a designee of the secretary more than one (1) year after the date of the order on which it is based; or

(2) issue an order on the basis of an order issued under the dealer services laws of another state unless the other order was based on conduct for which subsection (c) would authorize the action had the conduct occurred in Indiana.

(c) A person may be disciplined under ~~subsections (a) and (b)~~ **this section** if the person:

(1) has filed an application for a dealer license in Indiana under this article, or its predecessor, within the previous ten (10) years, which, as of the effective date of license or registration or as of any date after filing in the case of an order denying effectiveness, was incomplete as to a material fact or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) knowingly violated or knowingly failed to comply with this article, or its predecessor, within the previous ten (10) years;

(3) has been convicted of a:

(A) felony within the previous ten (10) years; ~~or has been convicted of a~~

(B) felony or misdemeanor involving theft **or** fraud; or

(C) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, **modification,** or manufacture of a vehicle;

(4) is enjoined or restrained by a court with jurisdiction in an action instituted by a state or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a vehicle;

(5) refuses to allow or otherwise impedes the secretary from conducting an audit or inspection;

(6) has engaged in dishonest or unethical practices in a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a vehicle within the previous ten (10) years;

(7) is engaging in unfair practices as set forth in this article;

(8) is on the most recent tax warrant list supplied to the secretary by the department of state revenue;

(9) violates IC 23-2-2.7; ~~or~~

(10) violates IC 9-19-9;

(11) willfully violates federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles; or

(12) is not compliant with local, state, or federal laws and regulations regarding a dealer license or dealer business.

(d) The secretary may suspend or deny an application, impose fines and costs, restrict, condition, limit, bar, suspend, or rescind a dealer license, or order restitution, or do any combination of these actions before final determination of an administrative proceeding. Upon the issuance of an order, the secretary shall promptly notify each person subject to the order:

(1) that the order has been issued;

(2) the reasons for the action; and

(3) that within fifteen (15) days after the receipt of a request in a record from the person the matter will be scheduled for a hearing.

If a hearing is not requested and no hearing is ordered by the secretary within thirty (30) days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the secretary, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(e) After a hearing, the secretary may suspend or deny an application, impose fines and costs, restrict, condition, limit, bar, suspend, or rescind a dealer license, or order restitution, or do any combination of these actions.

~~(e)~~ **(f)** Revocation or suspension of a license of a manufacturer, a distributor, ~~a factory branch,~~ a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

~~(f)~~ **(g)** Except as provided in subsection (d), an order may not be

issued under this section without:

(1) appropriate notice to the applicant or registrant;

(2) an opportunity for a hearing; and

~~(3) findings of fact and conclusion of law in a record.~~

(3) reasons for the action.

~~(g)~~ **(h)** A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the secretary under subsections (a) and (b) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

~~(h)~~ **(i)** A person subject to this chapter that has not been issued a license is subject to the same disciplinary fines, costs, and penalties as if a license had been issued.

SECTION 42. IC 9-32-16-11, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) All dealers operating as a:

(1) corporation;

(2) limited liability company;

(3) limited partnership; or

(4) limited liability partnership;

shall file and maintain all filings required to remain in good standing with the secretary of state business services division.

(b) The dealer shall provide the secretary:

(1) the federal tax identification number; and

(2) the registered retail merchant's certificate number issued under IC 6-2.5-8;

issued to the dealer.

(c) The dealer must, for the entire licensing period, have an established place of business with a physical Indiana address. The dealer may not have a mailing address that differs from the actual location of the business.

(d) The applicant and all corporate officers, partners, and owners must submit to a national criminal history background check (as defined in IC 10-13-3-12) administered by the state police at the expense of the applicant and the corporate officers, partners, and owners. The secretary may deny an application ~~based upon~~ **if the division finds that the applicant, a corporate officer, a partner, or**

an owner has been convicted of a:

(1) felony **within the previous ten (10) years;**

(2) felony or misdemeanor ~~convictions related to dealing in motor vehicles.~~ **involving theft or fraud; or**

(3) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, modification, or manufacture of a vehicle.

(e) The dealer and the corporation, company, or partnership must be in good standing with the bureau, the department of state revenue, and the state police department.

SECTION 43. IC 9-32-17-5, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly or intentionally violates:

(1) IC 9-32-11-1; ~~or~~

(2) IC 9-32-11-12 **by operating on an expired license issued under IC 9-32-11; or**

(3) IC 9-32-11-12.5 by operating on an expired license issued under IC 9-32-11;

commits a Class A misdemeanor.

SECTION 44. [EFFECTIVE JULY 1, 2014] **(a) The following rules are void after June 30, 2015:**

75 IAC 2-1-23 ("Wholesale dealer" defined).

75 IAC 4-1-32 ("Wholesale dealer" defined).

The publisher of the Indiana Administrative Code and Indiana Register shall remove these provisions from the Indiana Administrative Code.

(b) The parts of 75 IAC 4-2-9 concerning wholesale dealer licenses are void after June 30, 2015.

(c) A rule that the secretary of state determines is contrary to this act is void. The secretary of state shall submit a statement to the publisher of the Indiana Administrative Code and Indiana Register under IC 4-22-7-7 indicating which rules the secretary of state determines are contrary to this act and void. These rules, if any, are void effective thirty (30) days after submission of the statement. The secretary of state shall make the determination under this subsection not later than August 31, 2015.

(d) This SECTION expires December 31, 2015.

P.L.63-2014
[S.377. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-1-18-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) For purposes of this article, except for a biennial report filed under IC 23-1-53-4, a document is delivered for filing if the document is transferred to the secretary of state by hand, mail, ~~telecopy, facsimile,~~ or ~~other~~ **a** form of electronic transmission meeting the requirements established by the secretary of state.

(b) If a document is delivered for filing by hand or mail, the document must be accompanied by:

(1) two (2) exact or conformed copies of a document filed under IC 23-1-24-3 or IC 23-1-49-9; or

(2) one (1) exact or conformed copy of any other document filed under this article.

~~(c) The office of the secretary of state shall create any copies of a document delivered by telecopy facsimile, or other form of electronic transmission that are required for distribution under this article.~~

SECTION 2. IC 23-1-18-3, AS AMENDED BY P.L.106-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The secretary of state shall collect the following fees when the documents described in this subsection are delivered to the secretary of state for filing:

Document	Electronic Filing Fee	Fee (Other than electronic filing)

(1)	Articles of incorporation	$75	$90
(2)	Application for use of indistinguishable name	$10	$20
(3)	Application for reserved name	$10	$20
(4)	Application for renewal of reservation	$10	$20
(5)	Notice of transfer of reserved name	$10	$20
(6)	Application for registered name	$20	$30
(7)	Application for renewal of registered name	$20	$30
(8)	Corporation's statement of change of registered agent or registered office or both	No Fee	No Fee
(9)	Agent's statement of change of registered office for each affected corporation	No Fee	No Fee
(10)	Agent's statement of resignation	No Fee	No Fee
(11)	Amendment of articles of incorporation	$20	$30
(12)	Restatement of articles of incorporation	$20	$30
	with amendment of articles	$20	$30
(13)	Articles of merger or share exchange	$75	$90
(14)	Articles of dissolution	$20	$30
(15)	Articles of revocation of dissolution	$20	$30
(16)	Certificate of administrative dissolution	No Fee	No Fee
(17)	Application for reinstatement following administrative dissolution	$20	$30
(18)	Certificate of reinstatement	No Fee	No Fee
(19)	Certificate of judicial dissolution	No Fee	No Fee

(20)	Application for certificate of authority	$75	$90
(21)	Application for amended certificate of authority	$20	$30
(22)	Application for certificate of withdrawal	$20	$30
(23)	Certificate of revocation of authority to transact business	No Fee	No Fee
(24)	Biennial report	$20	$30
(25)	Articles of correction	$20	$30
(26)	Application for certificate of existence or authorization	$15	$15
(27)	Any other document required or permitted to be filed by this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without additional fee in connection with particular filings) and a request for other facts of record under section 9(b)(6) of this chapter	$20	$30

The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.

(b) The fee set forth in subsection (a)(24) for filing a biennial report is:

(1) fifteen dollars ($15) per year, for a filing in writing; ~~including facsimile;~~ and

(2) ten dollars ($10) per year, for a filing by electronic means;

to be paid biennially.

(c) The secretary of state shall collect a fee of ten dollars ($10) each time process is served on the secretary of state under this article. If the

party to a proceeding causing service of process prevails in the proceeding, then that party is entitled to recover this fee as costs from the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

(1) Per page for copying $ 1

(2) For a certification stamp $15

SECTION 3. IC 23-1-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including without limitation power to:

(1) sue and be sued, complain and defend in its corporate name;

(2) have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it (however, the use of a corporate seal or an impression thereof is not required and does not affect the validity of any instrument whatsoever, notwithstanding any other statutes);

(3) make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for managing the business and regulating the affairs of the corporation;

(4) purchase, receive, lease, or otherwise acquire and own, hold, improve, use, and otherwise deal with real or personal property, or any legal or equitable interest in property, wherever located;

(5) sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;

(6) purchase, receive, subscribe for, or otherwise acquire; own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of; and deal in and with shares or other interests in, or obligations of, any entity, including itself, except as otherwise prohibited by this article;

(7) make contracts and guarantees, incur liabilities, borrow money, issue its notes, bonds, and other obligations (which may be convertible into or include the option to purchase other securities of the corporation), and secure any of its obligations by

mortgage or pledge of any of its property, franchises, or income;
(8) lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment;
(9) be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust, or other entity;
(10) conduct its business, locate offices, and exercise the powers granted by this article within or without Indiana;
(11) elect directors, elect and appoint officers, and appoint employees and agents of the corporation, define their duties, fix their compensation, and lend them money and credit;
(12) pay pensions and establish and administer pension plans, pension trusts, profit sharing plans, share bonus plans, share option plans, welfare plans, qualified and nonqualified retirement plans, and benefit or incentive plans for any or all of its current or former directors, officers, employees, and agents;
(13) make donations for the public welfare or for charitable, scientific, or educational purposes;
(14) transact any lawful business that will aid governmental policy; ~~and~~
(15) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of the corporation; **and**
(16) adopt, either in the corporation's articles of incorporation or bylaws, a provision establishing exclusive jurisdiction in the circuit or superior courts of any county in Indiana or in the United States district courts of Indiana, for:
(A) any derivative action brought on behalf of, or in the name of the corporation;
(B) any action asserting a claim for breach of a fiduciary duty owed by any director, officer, employee, or agent of the corporation to:
(i) the corporation; or
(ii) any of the corporation's constituents identified in IC 23-1-35-1(d);
(C) any action asserting a claim arising under:
(i) any provision of this article; or
(ii) the corporation's articles of incorporation or bylaws; or

(D) any actions otherwise relating to the internal affairs of the corporation.

SECTION 4. IC 23-1-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Each corporation must continuously maintain in Indiana:

(1) a registered office; and

(2) a registered agent, who must be:

(A) an individual who resides in Indiana and whose business office is identical with the registered office;

(B) a domestic ~~corporation or not-for-profit domestic corporation~~ **limited liability company, domestic corporation, or nonprofit domestic corporation** whose business office is identical with the registered office; or

(C) a foreign ~~corporation or not-for-profit foreign corporation~~ **limited liability company, foreign corporation, or nonprofit foreign corporation** authorized to transact business in Indiana whose business office is identical with the registered office.

(b) Each corporation incorporated after June 30, 2014, shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each corporation incorporated under the laws of Indiana shall provide to the corporation's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the corporation; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the corporation.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a corporation under subsection (c).

(e) If a corporation fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 3 of this chapter, as the registered agent for the corporation.

SECTION 5. IC 23-1-46-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If the secretary of state determines that one (1) or more grounds exist under section 1 of this chapter for dissolving a corporation, the secretary of state shall serve the corporation with written notice of the determination under IC 23-1-24-4 **unless the secretary of state:**

(1) receives a receipt showing failure of service of process upon the corporation's registered agent at the address of the registered office; and

(2) determines that the secretary of state's office has no record of the corporation's principal office address.

(b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under IC 23-1-24-4, the secretary of state shall administratively dissolve the corporation by signing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the corporation under IC 23-1-24-4.

(c) A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under IC 6-8.1-10-9 and IC 23-1-45-5 and notify claimants under IC 23-1-45-6 and IC 23-1-45-7.

(d) The administrative dissolution of a corporation does not terminate the authority of its registered agent.

SECTION 6. IC 23-1-49-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** Each foreign corporation authorized to transact business in Indiana must continuously maintain in Indiana:

(1) a registered office; and

(2) a registered agent, who may be:

(A) an individual who resides in Indiana and whose business office is identical with the registered office;

(B) a domestic ~~corporation or not-for-profit domestic corporation~~ **limited liability company, domestic corporation, or nonprofit domestic corporation** whose

business office is identical with the registered office; or

(C) a foreign ~~corporation or foreign not-for-profit corporation~~ **limited liability company, foreign corporation, or nonprofit foreign corporation** authorized to transact business in Indiana whose business office is identical with the registered office.

(b) Each foreign corporation qualified after June 30, 2014, to do business in Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each foreign corporation qualified to do business in Indiana shall provide to the foreign corporation's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the foreign corporation; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the foreign corporation.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a foreign corporation under subsection (c).

(e) If a foreign corporation fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 9 of this chapter, as the registered agent for the foreign corporation.

SECTION 7. IC 23-1-51-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If the secretary of state determines that one (1) or more grounds exist under section 1 of this chapter for revocation of a certificate of authority, the secretary of state shall, under IC 23-1-49-10, serve the foreign corporation with written notice of the determination, **unless the secretary of state:**

(1) receives a receipt showing failure of service of process upon the foreign corporation's registered agent at the address of the registered office; and

(2) determines that the secretary of state's office has no record of the foreign corporation's principal office address.

(b) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under IC 23-1-49-10, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under IC 23-1-49-10.

(c) The authority of a foreign corporation to transact business in Indiana ceases on the date shown on the certificate revoking its certificate of authority.

(d) The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action that arose during the time the foreign corporation was authorized to transact business in Indiana. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent annual report or in any subsequent communication received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

(e) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

SECTION 8. IC 23-1-51-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. (a) A foreign corporation that has had its certificate of authority revoked under section 2 of this chapter may apply to the secretary of state for reinstatement. The application for reinstatement must include all the following:**

(1) The name of the foreign corporation.

(2) The effective date of the revocation of the foreign corporation's certificate of authority.

(3) A statement that the ground or grounds for revocation of the foreign corporation's certificate of authority either did not

exist or have been eliminated.

(4) A statement that the foreign corporation's name satisfies the requirements of IC 23-1-23-1 or IC 23-1-49-6.

(5) A certificate from the department of state revenue stating that all taxes owed by the foreign corporation have been paid.

(b) If the secretary of state determines that the application contains the information required under subsection (a) and that the information is correct, the secretary of state shall:

(1) cancel the certificate of revocation of the foreign corporation's certificate of authority; and

(2) prepare a certificate of reinstatement that states:

(A) that the certificate of revocation of the foreign corporation's certificate of authority has been canceled; and

(B) the date that the reinstatement is effective;

(3) file the original certificate of reinstatement; and

(4) serve, as provided in IC 23-1-49-10, a copy of the certificate of reinstatement on the foreign corporation.

(c) When the certificate of reinstatement is effective, the certificate of reinstatement relates back to and is considered to take effect as of the effective date of the revocation of the foreign corporation's certificate of authority and the foreign corporation resumes carrying on its business as if the revocation of the foreign corporation's certificate of authority had never occurred.

SECTION 9. IC 23-1-51-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a) If the secretary of state denies a foreign corporation's application for reinstatement under section 2.5 of this chapter, the secretary of state shall serve, as provided in IC 23-1-49-10, the foreign corporation with a written notice that explains the reason or reasons for denial.**

~~(a) A~~ **(b) The** foreign corporation may appeal the ~~secretary of state's revocation of its certificate of authority~~ **denial of reinstatement** to the circuit or superior court of the county in which its registered office is located within thirty (30) days after service of the certificate of revocation is perfected. ~~under IC 23-1-49-10.~~ The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of ~~its certificate of authority and~~ **all the**

following:

(1) The secretary of state's certificate of revocation.

(2) The foreign corporation's application for reinstatement described in section 2.5 of this chapter.

(3) The secretary of state's notice of denial described in subsection (a).

~~(b)~~ **(c)** The court may order the secretary of state to reinstate the certificate of authority or may take any other action the court considers appropriate.

~~(c)~~ **(d)** The court's final decision may be appealed as in other civil proceedings.

SECTION 10. IC 23-4-1-50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 50. ~~(1)~~ **(a)** A limited liability partnership and a foreign limited liability partnership must continuously maintain in Indiana the following:

~~(a)~~ **(1)** A registered office.

~~(b)~~ **(2)** A registered agent, who must be one (1) of the following:

~~(I)~~ **(A)** An individual who resides in Indiana and whose business office is identical with the registered office.

~~(II)~~ **(B)** A domestic limited liability partnership, domestic limited liability company, domestic corporation, or nonprofit domestic corporation whose business office is identical with the registered office.

~~(III)~~ **(C)** A foreign limited liability partnership, foreign limited liability company, foreign corporation, or nonprofit foreign corporation authorized to transact business in Indiana whose business office is identical with the registered office.

(b) Each limited liability partnership formed after June 30, 2014, under the laws of Indiana and each foreign limited liability partnership that qualifies, after June 30, 2014, to do business in Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each limited liability partnership and each foreign limited liability partnership shall provide to its registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent

of the partnership; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the partnership.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a partnership under subsection (c).

(e) If a limited liability partnership or a foreign limited liability partnership fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 51 of this chapter, as the registered agent for the partnership.

~~(2)~~ **(f)** A limited liability partnership or a foreign limited liability partnership may change its registered office or registered agent by delivering to the secretary of state for filing a statement of change that sets forth the following:

~~(a)~~ **(1)** The name of the partnership.

~~(b)~~ **(2)** The street address of the partnership's current registered office.

~~(c)~~ **(3)** If the current registered office is to be changed, the street address of the new registered office.

~~(d)~~ **(4)** The name of the partnership's current registered agent.

~~(e)~~ **(5)** If the current registered agent is to be changed, the name of the new registered agent and the new registered agent's written consent or a representation that the new registered agent has consented either on the statement or attached to the statement to the appointment.

~~(f)~~ **(6)** That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

~~(3)~~ **(g)** If a registered agent changes the street address of the registered agent's business office, the registered agent may change the street address of the registered office of any limited liability partnership or foreign limited liability partnership that the registered agent serves by notifying the partnership in writing of the change and signing ~~either manually or in facsimile~~ and delivering to the secretary of state for filing a statement that complies with the requirements of ~~paragraph (2)~~ **subsection (f)** and states that the partnership has been notified of the

change.

SECTION 11. IC 23-4-1-59 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 59. A person who signs a document that the person knows is false in a material respect, with the intent that the document be delivered to the secretary of state for filing, commits a Class A misdemeanor.**

SECTION 12. IC 23-15-1-1, AS AMENDED BY P.L.133-2009, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as otherwise provided in section 2 of this chapter, a person or general partnership conducting or transacting business in Indiana under a name, designation, or title other than the real name of the person or general partnership conducting or transacting the business shall file for record, in the office of the recorder of each county in which a place of business or an office of the person or general partnership is situated, a certificate stating the assumed name or names to be used and the full name and address of the person or general partnership engaged in or transacting business.

(b) The recorder shall keep a record of the certificates filed under this section and shall keep an index of the certificates showing, in alphabetical order, the names of the persons and general partnerships having certificates on file in the recorder's office, and the assumed name or names which they intend to use in carrying on their businesses as shown by the certificates.

(c) Before the dissolution of any business for which a certificate is on file with the recorder, the person or general partnership to which the certificate appertains shall file a notice of dissolution for record in the recorder's office.

(d) The county recorder shall charge a fee in accordance with IC 36-2-7-10 for each certificate, notice of dissolution, and notice of discontinuance of use filed with the recorder's office and recorded under this chapter. The funds received shall be receipted as county funds the same as other money received by the recorders.

(e) Except as provided in section 2 of this chapter:

(1) a corporation conducting business in Indiana under a name, designation, or title other than the name of the corporation as shown by its articles of incorporation;

(2) a foreign corporation conducting business in Indiana under a

name, designation, or title other than the name of the foreign corporation as shown by its application for a certificate of authority to transact business in Indiana;

(3) a limited partnership conducting business in Indiana under a name, designation, or title other than the name of the limited partnership as shown by its certificate of limited partnership;

(4) a foreign limited partnership conducting business in Indiana under a name, designation, or title other than the name of the limited partnership as shown by its application for registration;

(5) a limited liability company conducting business in Indiana under a name, designation, or title other than as shown by its articles of organization;

(6) a foreign limited liability company conducting business in Indiana under a name, designation, or title other than the name of the limited liability company as shown by its application for registration;

(7) a limited liability partnership conducting business in Indiana under a name, designation, or title other than the name of the limited liability partnership as shown by its application for registration; and

(8) a foreign limited liability partnership conducting business in Indiana under a name, designation, or title other than the name of the limited liability partnership as shown by its application for registration;

shall file with the secretary of state a certificate stating the assumed name or names to be used and the full name and address of the corporation's, limited partnership's, limited liability company's, or limited liability partnership's, foreign or domestic, principal office in Indiana.

(f) An entity may not include an entity indicator, such as "Inc.", "Corp.", "LLC", "LP", "LLP", or similar description in an assumed business name filing, that is inconsistent with the entity type for which the assumed business name is being filed. However, if the entity filing the assumed business name has filed articles of conversion, domestication, or merger that changes the entity type, the entity indicator in the assumed business name filing may be inconsistent with the entity type if the conversion, domestication, or merger occurred within the twelve (12) months before the date

of the assumed business name filing.

~~(f)~~ **(g)** A person, general partnership, corporation, limited partnership, limited liability company, or limited liability partnership, foreign or domestic, that has filed a certificate of assumed business name or names under subsection (a) or (e) may file a notice of discontinuance of use of assumed business name or names with the secretary of state or with the recorder's office in which the certificate was filed or transferred. The secretary of state or the recorder shall keep a record of notices filed under this subsection.

~~(g)~~ **(h)** This subsection applies to a foreign or domestic corporation, limited partnership, limited liability company, or limited liability partnership that, before July 1, 2009:

(1) filed a certificate stating the assumed name or names to be used in carrying out the entity's business; and

(2) filed the certificate:

(A) with the secretary of state; and

(B) in the recorder's office.

The entity shall file a notice of dissolution or notice of discontinuance of use of the assumed business name or names with the secretary of state and with the recorder's office in which the certificate was filed or transferred.

~~(h)~~ **(i)** The secretary of state shall collect the following fees when a copy of a certificate is filed with the secretary of state under subsection (e):

(1) A fee of:

(A) twenty dollars ($20) for an electronic filing; or

(B) thirty dollars ($30) for a filing other than an electronic filing;

from a corporation (other than a nonprofit corporation), limited liability company, or a limited partnership.

(2) A fee of:

(A) ten dollars ($10) for an electronic filing; or

(B) twenty-six dollars ($26) for a filing other than an electronic filing;

from a nonprofit corporation.

The secretary of state shall prescribe the electronic means of filing certificates for purposes of collecting fees under this subsection. A fee collected under this subsection is in addition to any other fee collected

by the secretary of state.

SECTION 13. IC 23-15-2-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. Any corporation, for profit or not for profit, now or hereafter organized under the laws of the state of Indiana and any foreign corporation, for profit or not for profit, now or hereafter admitted to do business in the state of Indiana, which is required or permitted to designate and have a resident agent, may designate and have as such resident agent a corporation authorized to transact business in the state of Indiana and authorized by its articles or certificate of incorporation to act as such agent. Such corporate resident agent shall possess all of the powers and have all of the duties conferred or imposed upon the resident agent of any such corporation, and whenever or wherever in any statute of this state the term "person" is used or appears in relation to such resident agent, said term shall be deemed to include a corporate resident agent. Service of any legal process upon a corporate resident agent, as resident agent, may be made by serving a copy thereof on the president, a vice-president, the secretary, or an assistant secretary of said corporate resident agent.~~

SECTION 14. IC 23-15-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10. Issuance of Interrogatories and Investigative Claims

Sec. 1. As used in this chapter, "entity" means any entity listed in IC 23-1-20-10.

Sec. 2. The secretary of state may propound to any:

(1) domestic or foreign entity that the secretary of state has reason to believe is subject to the provisions of this title under which the domestic entity was created or foreign entity is permitted to transact business in Indiana; and

(2) any officer, director, member, manager, or partner of the entity described in subdivision (1);

any written interrogatories as may be reasonably necessary and proper to enable the secretary of state to ascertain whether the entity was formed using suspected fraudulent or fictitious filings or is being used to commit fraud.

Sec. 3. (a) The interrogatories must be answered not later than thirty (30) days after the date the interrogatories are mailed or

within an additional period approved, in writing, by the secretary of state. The answers to the interrogatories must be:

(1) full and complete; and

(2) made in writing and under oath.

(b) If the interrogatories are directed to an individual, the individual shall answer the interrogatories.

(c) If the interrogatories are directed to an entity, a duly appointed officer, an agent, a member, a manager, or a partner of the entity shall answer the interrogatories.

Sec. 4. The secretary of state shall certify to the attorney general, for an action as the attorney general reasonably considers appropriate, all interrogatories and answers to the interrogatories that disclose a violation of any of the provisions of this title under which the entity was created, requiring or permitting action by the attorney general.

Sec. 5. The secretary of state may:

(1) remove fraudulent filings from the secretary of state's record for the entity; or

(2) administratively dissolve or revoke a certificate of authority;

for failure to timely and adequately respond to interrogatories under section 3 of this chapter.

Sec. 6. The secretary of state may adopt rules under IC 4-22-2 that are necessary to carry out this chapter.

SECTION 15. IC 23-16-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Each limited partnership shall have and continuously maintain:

(1) an office at an address set forth in the certificate of limited partnership that:

(A) may be (but need not be) a place of its business in Indiana; and

(B) must be the repository for the records required to be maintained by section 6 of this chapter; and

(2) a registered agent whose business address is in Indiana, for service of process on the limited partnership, which agent must be:

(A) an individual resident of Indiana; or

(B) a domestic corporation or a foreign corporation authorized

to do business in Indiana.

(b) Each limited partnership formed after June 30, 2014, under the laws of Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each limited partnership formed under the laws of Indiana shall provide to the limited partnership's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the limited partnership; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the limited partnership.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a limited partnership under subsection (c).

(e) If a limited partnership fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 4 of this chapter, as the registered agent for the limited partnership.

~~(b)~~ **(f)** A limited partnership may change its registered agent by delivering to the secretary of state for filing a statement containing the following:

(1) The name of the limited partnership.

(2) The name of its current registered agent.

(3) The name and business address of the new registered agent and the new agent's consent to the appointment (either on the statement or attached to it).

~~(c)~~ **(g)** If a registered agent changes the address of the registered agent's business office, the registered agent must notify the limited partnership in writing of the change, and sign and deliver to the secretary of state for filing a statement that complies with the requirements of subsection ~~(b)~~ **(f)** and recites that the limited partnership has been notified of the change.

SECTION 16. IC 23-16-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as

provided in subsection (b), a foreign limited partnership may register with the secretary of state under any name (whether or not it is the name under which it is registered in the jurisdiction of its organization) that:

(1) includes the words "limited partnership" or the abbreviation "L.P."; and

(2) could be registered by a domestic limited partnership.

(b) A foreign limited partnership may apply to the secretary of state to use a name that is not distinguishable upon the secretary of state's records from one (1) or more of the names described in subsection (a). The secretary of state shall authorize use of the name applied for if:

(1) the other domestic or foreign limited partnership files its written consent to the use of its name, signed by any current general partner of the other limited partnership and verified subject to the penalties for perjury; or

(2) the applicant delivers to the secretary of state a certified copy of a final court judgment establishing the applicant's right to use the name applied for in Indiana.

(c) Each foreign limited partnership shall have and maintain:

(1) an office, which may be (but need not be) a place of its business in Indiana; and

(2) a registered agent whose business address is in Indiana for service of process on the foreign limited partnership, which may be:

(A) an individual resident of Indiana; or

(B) a domestic corporation or a foreign corporation authorized to transact business in Indiana.

(d) Each foreign limited partnership that qualifies after June 30, 2014, to do business in Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(e) Each foreign limited partnership qualified to do business in Indiana shall provide to the foreign limited partnership's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the foreign limited partnership; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the foreign limited partnership.

(f) A registered agent shall retain, in paper or electronic form, the information provided by a foreign limited partnership under subsection (e).

(g) If a foreign limited partnership fails to provide the registered agent with the information required under subsection (e), the registered agent may resign, as provided in subsection (j), as the registered agent for the foreign limited partnership.

~~(d)~~ **(h)** A foreign limited partnership may change its registered agent by delivering to the secretary of state for filing a statement containing the following:

(1) The name of the foreign limited partnership.

(2) The name of its current registered agent.

(3) The name and business address of the new registered agent and the new agent's consent to the appointment (either on the statement or attached to it).

~~(e)~~ **(i)** If a registered agent changes the address of the registered agent's business office, the registered agent must notify the foreign limited partnership in writing of the change, and sign and deliver to the secretary of state for filing a statement that complies with the requirements of subsection ~~(d)~~ **(h)** and recites that the foreign limited partnership has been notified of the change.

~~(f)~~ **(j)** A registered agent may resign the agency appointment by signing and delivering to the secretary of state for filing the signed original and two (2) exact or conformed copies of a statement of resignation. After filing the statement, the secretary of state shall mail one (1) copy to the partnership at the office referred to in subsection (c)(1). The agency appointment is terminated on the thirty-first day after the date on which the statement was filed.

SECTION 17. IC 23-16-12-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.1. (a) For purposes of this article, a document is delivered for filing if the document is transferred to the secretary of state by hand, mail, ~~telecopy, facsimile,~~ or ~~other~~ **a** form of electronic transmission meeting the requirements established by the secretary of state.

(b) If a document is delivered for filing by hand or mail, the document must be accompanied by:

(1) two (2) exact or conformed copies of a document filed under IC 23-16-2-4 or IC 23-16-10-4; or

(2) one (1) exact or conformed copy of any other document filed under this article.

~~(c) The office of the secretary of state shall create any copies of a document delivered by telecopy facsimile, or other form of electronic transmission that are required for distribution under this article.~~

SECTION 18. IC 23-16-12-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. A person who signs a document that the person knows is false in a material respect with the intent that the document be delivered to the secretary of state for filing commits a Class A misdemeanor.**

SECTION 19. IC 23-17-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Unless a corporation's articles of incorporation provide otherwise, a corporation has perpetual duration and succession in the corporation's corporate name and has the same powers as an individual to do all things necessary or convenient to carry out the corporation's affairs, including the power to do the following:

(1) Sue, be sued, complain, and defend in the corporation's corporate name.

(2) Have a corporate seal or facsimile of a corporate seal, which may be altered at will, to use by impressing or affixing or in any other manner reproducing it. However, the use or impression of a corporate seal is not required and does not affect the validity of any instrument.

(3) Make and amend bylaws not inconsistent with the corporation's articles of incorporation or with Indiana law for managing the affairs of the corporation.

(4) Purchase, receive, take by gift, devise, or bequest, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located.

(5) Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of the corporation's property.

(6) Purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with, shares or other interests in, or obligations of any entity.
(7) Make contracts and guaranties, incur liabilities, borrow money, issue notes, bonds, and other obligations and secure any of the corporation's obligations by mortgage or pledge of any of the corporation's property, franchises, or income.
(8) Lend money, invest and reinvest the corporation's funds, and receive and hold real and personal property as security for repayment, except as provided under IC 23-17-13-3.
(9) Be a promoter, a partner, a member, an associate or a manager of any partnership, joint venture, trust, or other entity.
(10) Conduct the corporation's activities, locate offices, and exercise the powers granted by this article inside or outside Indiana.
(11) Elect directors, elect and appoint officers, and appoint employees and agents of the corporation, define the duties and fix the compensation of directors, officers, employees and agents.
(12) Pay pensions and establish pension plans, pension trusts, and other benefit and incentive plans for the corporation's current or former directors, officers, employees, and agents.
(13) Make donations not inconsistent with law for the public welfare or for charitable, religious, scientific, or educational purposes and for other purposes that further the corporate interest.
(14) Impose dues, assessments, admission, and transfer fees upon the corporation's members.
(15) Establish conditions for admission of members, admit members, and issue memberships.
(16) Carry on a business.
(17) Have and exercise powers of a trustee as permitted by law, including those set forth in IC 30-4-3-3.
(18) Purchase and maintain insurance on behalf of any individual who:

(A) is or was a director, an officer, an employee, or an agent of the corporation; or

(B) is or was serving at the request of the corporation as a director, an officer, an employee, or an agent of another entity;

against any liability asserted against or incurred by the individual in that capacity or arising from the individual's status as a director, an officer, an employee, or an agent, whether or not the corporation would have power to indemnify the individual against the same liability under this article.

(19) Do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of the corporation.

(20) Adopt, either in the corporation's articles of incorporation or bylaws, a provision establishing exclusive jurisdiction in the circuit or superior courts of any county in Indiana or in the United States district courts of Indiana, for:

(A) any action asserting a claim for breach of a fiduciary duty owed by any director, officer, employee, or agent of the corporation to the corporation;

(B) any action asserting a claim arising under:

(i) any provision of this article; or

(ii) the corporation's articles of incorporation or bylaws; or

(C) any actions otherwise relating to the internal affairs of the corporation.

SECTION 20. IC 23-17-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A corporation must continuously maintain the following in Indiana:

(1) A registered office.

(2) A registered agent, who must be one (1) of the following:

(A) An individual who resides in Indiana and whose business office is identical with the registered office.

(B) ~~A business or nonprofit corporation~~ **A domestic limited liability company, domestic corporation, or nonprofit domestic corporation** whose business office is identical with the registered office.

(C) A foreign ~~business or nonprofit corporation~~ **limited liability company, foreign corporation, or nonprofit foreign corporation** authorized to transact business in Indiana whose business office is identical with the registered office.

(b) Each corporation incorporated after June 30, 2014, under the laws of Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each corporation formed under the laws of Indiana shall provide to the corporation's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the corporation; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the corporation.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a corporation under subsection (c).

(e) If a corporation fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 3 of this chapter, as the registered agent for the corporation.

SECTION 21. IC 23-17-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If the secretary of state determines that a ground exists under section 1 of this chapter for dissolving a corporation, the secretary of state shall serve the corporation with written notice of the determination under IC 23-17-6-4 **unless the secretary of state:**

(1) receives a receipt showing failure of service of process upon the corporation's registered agent at the address of the registered office; and

(2) determines that the secretary of state's office has no record of the corporation's principal office address.

(b) If the corporation does not:

(1) correct each ground for dissolution; or

(2) demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist;

within at least sixty (60) days after service of the notice is perfected under IC 23-17-6-4, the secretary of state may administratively dissolve the corporation by signing a certificate of dissolution that recites the grounds for dissolution and the effective date of the dissolution. The secretary of state shall file the original of the certificate and serve a

copy on the corporation under IC 23-17-6-4.

(c) A corporation administratively dissolved continues the corporation's corporate existence but may not carry on any activities except those necessary to wind up and liquidate the corporation's affairs under IC 23-17-22-5 and notify the corporation's claimants under IC 23-17-22-6 and IC 23-17-22-7.

(d) The administrative dissolution of a corporation does not terminate the authority of the corporation's registered agent.

SECTION 22. IC 23-17-26-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A foreign corporation authorized to transact business in Indiana must continuously maintain in Indiana:

(1) a registered office; and

(2) a registered agent, who may be:

(A) an individual who resides in Indiana and whose business office is identical with the registered office;

(B) a ~~corporation incorporated or authorized to transact business under IC 23-1~~ **domestic limited liability company, domestic corporation, or nonprofit domestic corporation** whose business office is identical with the registered office; **or**

(C) a foreign ~~business or nonprofit corporation~~ **limited liability company, foreign corporation, or nonprofit foreign corporation** authorized to transact business in Indiana whose **business** office is identical with the registered office. ~~or (D) a nonprofit entity organized or authorized to transact business in Indiana whose office is identical with the registered office.~~

(b) Each foreign corporation that qualifies after June 30, 2014, to do business in Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each foreign corporation qualified to do business in Indiana shall provide to the foreign corporation's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the foreign corporation; and

(2) authorized to receive communications from the registered

agent.

The natural person is considered to be the communications contact for the foreign corporation.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a foreign corporation under subsection (c).

(e) If a foreign corporation fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 9 of this chapter, as the registered agent for the foreign corporation.

SECTION 23. IC 23-17-26-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) If the secretary of state determines that a ground exists under section 12 of this chapter for revocation of a certificate of authority, the secretary of state shall, under section 10 of this chapter, serve the foreign corporation with written notice of the determination **unless the secretary of state:**

(1) receives a receipt showing failure of service of process upon the foreign corporation's registered agent at the address of the registered office; and

(2) determines that the secretary of state's office has no record of the foreign corporation's principal office address.

(b) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under section 10 of this chapter, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground for revocation and the revocation's effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under section 10 of this chapter.

(c) The authority of a foreign corporation to transact business in Indiana ceases on the date shown on the certificate revoking the foreign corporation's certificate of authority.

(d) The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action that arose during the time the foreign corporation was

authorized to transact business in Indiana. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the secretary of the foreign corporation at the foreign corporation's principal office shown in the foreign corporation's most recent annual report or in any subsequent communication received from the corporation stating the current mailing address of the foreign corporation's principal office, or, if a report or communication is not on file, in the foreign corporation's application for a certificate of authority.

(e) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the foreign corporation.

SECTION 24. IC 23-17-26-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13.5. (a) A foreign corporation that has had its certificate of authority revoked under section 13 of this chapter may apply to the secretary of state for reinstatement. The application for reinstatement must include all the following:**

(1) The name of the foreign corporation.

(2) The effective date of the revocation of the foreign corporation's certificate of authority.

(3) A statement that the ground or grounds for revocation of the foreign corporation's certificate of authority either did not exist or have been eliminated.

(4) A statement that the foreign corporation's name satisfies the requirements of IC 23-17-5-1 or section 6 of this chapter.

(5) A certificate from the department of state revenue stating that all taxes owed by the foreign corporation have been paid.

(b) If the secretary of state determines that the application contains the information required under subsection (a) and that the information is correct, the secretary of state shall:

(1) cancel the certificate of revocation of the foreign corporation's certificate of authority; and

(2) prepare a certificate of reinstatement that states:

(A) that the certificate of revocation of the foreign corporation's certificate of authority has been canceled; and

(B) the date that the reinstatement is effective;

(3) file the original certificate of reinstatement; and

(4) serve, as provided in section 10 of this chapter, a copy of the certificate of reinstatement on the foreign corporation.

(c) When the certificate of reinstatement is effective, the certificate of reinstatement relates back to and is considered to take effect as of the effective date of the revocation of the foreign corporation's certificate of authority and the foreign corporation resumes carrying on its business as if the revocation of the foreign corporation's certificate of authority had never occurred.

SECTION 25. IC 23-17-26-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. **(a) If the secretary of state denies a foreign corporation's application for reinstatement under section 13.5 of this chapter, the secretary of state shall serve, as provided in section 10 of this chapter, the foreign corporation with a written notice that explains the reason or reasons for denial.**

~~(a)~~ **(b)** A foreign corporation may appeal the secretary of state's ~~revocation of the foreign corporation's certificate of authority~~ **denial of reinstatement** to the circuit or superior court of the county in which the foreign corporation's registered office is located within thirty (30) days after service of the certificate of revocation is perfected. ~~under section 10 of this chapter.~~ The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of ~~the foreign corporation's certificate of authority and~~ **all** the **following:**

(1) The secretary of state's certificate of revocation.

(2) The foreign corporation's application for reinstatement described in section 13.5 of this chapter.

(3) The secretary of state's notice of denial described in subsection (a).

~~(b)~~ **(c)** The court may do the following:

(1) Order the secretary of state to reinstate the certificate of authority.

(2) Take any other action the court considers appropriate.

~~(c)~~ **(d)** The court's final decision may be appealed as in other civil proceedings.

SECTION 26. IC 23-17-29-1.1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) For purposes of this article, a document is delivered for filing if the document is transferred to the secretary of state by hand, mail, ~~telecopy, facsimile,~~ or ~~other~~ **a** form of electronic transmission meeting the requirements established by the secretary of state.

(b) If a document is delivered for filing by hand or mail, the document must be accompanied by:

(1) two (2) exact or conformed copies of a document filed under IC 23-17-6-3 or IC 23-17-26-9; or

(2) one (1) exact or conformed copy of any other document filed under this article.

~~(c) The office of the secretary of state shall create any copies of a document delivered by telecopy, facsimile, or other form of electronic transmission that are required for distribution under this article.~~

SECTION 27. IC 23-17-31 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 31. Domestication of Nonprofit Corporation

Sec. 1. (a) A foreign nonprofit corporation may become a domestic nonprofit corporation only if the domestication is permitted by the organic law of the domiciliary state of the foreign nonprofit corporation. The laws of Indiana govern the effect of domesticating a foreign nonprofit corporation in Indiana under this chapter.

(b) A domestic nonprofit corporation may become a foreign nonprofit corporation only if the domestication is permitted by the laws of the foreign jurisdiction where the domestic nonprofit corporation is seeking redomestication. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of domestication, the domestication must be approved by the adoption by the nonprofit corporation of a plan of domestication in the manner provided in this section. The laws of the foreign jurisdiction govern the effect of domesticating in that jurisdiction.

(c) The plan of domestication must include:

(1) a statement of the jurisdiction in which the nonprofit corporation is to be domesticated;

(2) the terms and conditions of the domestication; and

(3) any desired amendments to the articles of incorporation of

the nonprofit corporation following its domestication.

Sec. 2. In the case of a domestication of a domestic nonprofit corporation in a foreign jurisdiction, the plan of domestication must be adopted by the board of directors.

Sec. 3. (a) After the domestication of a foreign nonprofit corporation has been authorized as required by the laws of the foreign jurisdiction, the articles of domestication must be executed by an officer or other authorized representative. The articles must set forth:

(1) the name of the nonprofit corporation immediately before the filing of the articles of domestication and, if that name is unavailable for use in Indiana or the nonprofit corporation desires to change its name in connection with the domestication, a name that satisfies the requirements of IC 23-17-5-1;

(2) the jurisdiction of incorporation of the nonprofit corporation immediately before the filing of the articles of domestication in that jurisdiction; and

(3) a statement that the domestication of the nonprofit corporation in Indiana was authorized as required by the laws of the jurisdiction in which the nonprofit corporation was incorporated immediately before its domestication under this chapter.

(b) The articles of domestication must either contain all the provisions that IC 23-17-3-2 requires to be set forth in articles of incorporation and any other desired provisions that IC 23-17-3-3 permits to be included in the articles of incorporation or must have attached articles of incorporation. In either case, provisions that would not be required to be included in restated articles of incorporation may be omitted.

(c) The articles of domestication must be delivered to the secretary of state for filing and are effective at the time provided in IC 23-17-29-4.

(d) If the foreign corporation is authorized to transact business in this state under IC 23-17-26, its certificate of authority is canceled automatically on the effective date of its domestication.

Sec. 4. (a) Whenever a domestic nonprofit corporation has adopted and approved, in the manner required by this chapter, a plan of domestication providing for the nonprofit corporation to be

domesticated in a foreign jurisdiction, an officer or another authorized representative of the domestic nonprofit corporation must execute articles of charter surrender on behalf of the domestic nonprofit corporation. The articles of charter surrender must set forth:

(1) the name of the nonprofit corporation;

(2) a statement that the articles of charter surrender are being filed in connection with the domestication of the nonprofit corporation in a foreign jurisdiction;

(3) a statement that the domestication was approved by the board of directors; and

(4) the nonprofit corporation's new jurisdiction of incorporation.

(b) The articles of charter surrender must be delivered by the nonprofit corporation to the secretary of state for filing. The articles of charter surrender are effective at the time provided in IC 23-17-29-4.

Sec. 5. When a domestication of a foreign nonprofit corporation in Indiana becomes effective:

(1) the title to all real and personal property, both tangible and intangible, held by the nonprofit corporation remains in the nonprofit corporation without reversion or impairment;

(2) the liabilities of the nonprofit corporation remain the liabilities of the nonprofit corporation;

(3) an action or proceeding pending against the nonprofit corporation continues against the nonprofit corporation as if the domestication had not occurred;

(4) the articles of domestication, or the articles of incorporation attached to the articles of domestication, constitute the articles of incorporation of the nonprofit corporation;

(5) the nonprofit corporation is considered to:

(A) be incorporated under the laws of Indiana for all purposes;

(B) be the same nonprofit corporation without interruption as the nonprofit corporation that existed under the laws of the foreign jurisdiction; and

(C) have been incorporated on the date it was originally incorporated in the foreign jurisdiction.

Sec. 6. (a) Unless otherwise provided in a plan of domestication of a domestic nonprofit corporation, after the plan has been adopted and approved as required by this chapter, and at any time before the domestication has become effective, the plan of domestication may be abandoned by the board of directors.

(b) If a domestication is abandoned under subsection (a) after articles of charter surrender have been filed with the secretary of state but before the domestication has become effective, a statement that the domestication has been abandoned under this section, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the domestication. The statement is effective upon filing and the domestication is abandoned and may not become effective.

(c) If the domestication of a foreign nonprofit corporation in Indiana is abandoned under the laws of the foreign jurisdiction after articles of domestication have been filed with the secretary of state, a statement that the domestication has been abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement is effective upon filing and the domestication is abandoned and may not become effective.

SECTION 28. IC 23-18-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Unless the limited liability company's articles of organization provide otherwise, every limited liability company has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including the following:

(1) Sue, be sued, complain, and defend in its name.

(2) Make and amend operating agreements, not inconsistent with its articles of organization or with the laws of this state, for managing the business and regulating the affairs of the limited liability company.

(3) Purchase, receive, lease, or otherwise acquire and own, hold, improve, use, and otherwise deal with real or personal property, or any legal or equitable interest in property, wherever located.

(4) Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property.

(5) Except as otherwise prohibited by this article:

(A) purchase, receive, subscribe for, or otherwise acquire;

(B) own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of; and

(C) deal in and with shares, interests, obligations, or other securities of;

any corporation, partnership, association, limited liability company, foreign limited liability company, or business trust.

(6) Make contracts and guarantees, incur liabilities, borrow money, and issue notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income.

(7) Lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment.

(8) Be a promoter, a stockholder, a partner, a member, a manager, an associate, or an agent of any corporation, partnership, limited liability company, foreign limited liability company, joint venture, trust, or other enterprise.

(9) Conduct its business, locate offices, and exercise the powers granted by this article within or outside Indiana.

(10) Elect or appoint managers, agents, and employees, define their duties, fix their compensation, and lend them money and credit.

(11) Pay pensions and establish and administer pension plans, pension trusts, profit-sharing plans, welfare plans, qualified and nonqualified retirement plans, and benefit or incentive plans for any or all of its current or former managers, employees, and agents.

(12) Make donations for public welfare, charitable, scientific, or educational purposes.

(13) Transact any lawful business that will aid governmental policy.

(14) Indemnify and hold harmless any member, manager, agent, or employee from and against any and all claims and demands, except in the case of action or failure to act by the member, agent, or employee which constitutes willful misconduct or recklessness and subject to any standards and restrictions set forth in a written operating agreement.

(15) To the extent authorized by the licensing authority (as defined in IC 23-1.5-1-9) provide professional services (as defined in IC 23-1.5-1-11).

(16) Make payments or donations or do any other act that furthers the business and affairs of the limited liability company.

(17) Adopt, either in the limited liability company's articles of organization or written operating agreement, a provision establishing exclusive jurisdiction in the circuit or superior courts of any county in Indiana or in the United States district courts of Indiana, for:

(A) any action asserting a claim for breach of a fiduciary duty owed by any director, officer, employee, or agent of the limited liability company to the limited liability company;

(B) any action asserting a claim arising under:

(i) any provision of this article; or

(ii) the limited liability company's articles of organization or operating agreement; or

(C) any actions otherwise relating to the internal affairs of the limited liability company.

SECTION 29. IC 23-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a)** A limited liability company must continuously maintain in Indiana the following:

(1) A registered office.

(2) A registered agent, who must be one (1) of the following:

(A) An individual who resides in Indiana and whose business office is identical with the registered office.

(B) A domestic limited liability company, domestic corporation, or nonprofit domestic corporation whose business office is identical with the registered office.

(C) A foreign limited liability company, foreign corporation, or nonprofit foreign corporation authorized to transact business in Indiana whose business office is identical with the registered office.

(b) Each limited liability company organized after June 30, 2014, under the laws of Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each limited liability company formed under the laws of Indiana shall provide to the limited liability company's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the limited liability company; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the limited liability company.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a limited liability company under subsection (c).

(e) If a limited liability company fails to provide the registered agent with the information required under subsection (c), the registered agent may resign, as provided in section 12 of this chapter, as the registered agent for the limited liability company.

SECTION 30. IC 23-18-3-2.5, AS ADDED BY P.L.40-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. If the written operating agreement of a limited liability company provides for officers as permitted by IC 23-18-4-4(a)(3), the following apply:

(1) Each officer has ~~only~~ those powers and duties: ~~specified~~

(A) set forth, generally or specifically in the written operating agreement; **or**

(B) otherwise delegated to an officer from time to time by the:

(i) manager or managers of a manager-managed limited liability company; or

(ii) member or members of a member-managed limited liability company;

in a manner consistent with the written operating agreement.

(2) Each officer has the status of an agent of the limited liability company for purposes of section 3 of this chapter.

(3) If an officer acts within the officer's apparent authority to carry

on the business of the limited liability company in the usual way, the officer's actions bind the limited liability company to the same extent as the actions of a manager would bind a limited liability company under section 1.1(c)(2) and 1.1(d) of this chapter.

(4) Notice to an officer of a matter relating to the business or affairs of the limited liability company, or the knowledge of the officer acting in the particular matter, is notice to the limited liability company to the same extent that notice to a manager or knowledge of a manager would be treated as notice to a limited liability company under section 2(b)(1) of this chapter.

SECTION 31. IC 23-18-3-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.6. Section 2.5 of this chapter and IC 23-18-4-4(a)(3) are not intended to adversely affect the validity of:**

(1) any provision of a written operating agreement in effect before July 1, 2014, that:

(A) provides for an officer or officers; or

(B) sets forth the powers or duties of an officer or officers; or

(2) any act by an officer before July 1, 2014.

SECTION 32. IC 23-18-4-4, AS AMENDED BY P.L.40-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A written operating agreement may do one (1) or more of the following:

(1) Modify, increase, decrease, limit, or eliminate the duties (including fiduciary duties) or the liability of a member or manager for breach of the duties set forth in section 2(a) of this chapter.

(2) Provide for indemnification of a member or manager for judgments, settlements, penalties, fines, or expenses incurred in a proceeding to which a person is a party because the person is or was a member or manager.

(3) Provide for officers of a limited liability company that is:

(A) managed by a manager or managers; or

(B) managed by a member or members;

by specifying the title, powers, duties, and term of office (either perpetual or for a specific term) for each officer and the means by

which each officer is to be appointed, elected, or reelected, **or by authorizing in the written operating agreement the authority of the manager or managers of a manager-managed limited liability company or the member or members of a member-managed limited liability company to otherwise establish officers and the titles, powers, duties, and terms of office of the officers.**

(4) Provide that one (1) or more persons who are not members or managers have the right to approve or disapprove any of one (1) or more specified actions with respect to the limited liability company, including:

(A) voluntary dissolution;

(B) merger; or

(C) amending the written operating agreement.

(b) If a person who is not a member or manager is given the right to approve or disapprove specified actions as permitted by subsection (a)(4), the person does not have the general right to vote with the members or managers regarding any matters unless specifically provided otherwise in the written operating agreement.

SECTION 33. IC 23-18-6-2.5, AS ADDED BY P.L.40-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) Unless otherwise limited or prohibited in a written operating agreement, any member interest in a limited liability company:

(1) may be designated as a transfer on death property under IC 32-17-14, with:

(A) the member as the owner of the interest; and

(B) one (1) or more transfer on death beneficiaries designated; or

(2) may be titled and held in joint tenancy with right of survivorship between two (2) or more individuals.

(b) The following apply upon the death of a person who is the owner of a member interest designated as a transfer on death property:

(1) Each surviving transfer on death beneficiary has the status of an assignee of **all or** a fractional or percentage portion of the entire member interest owned by the deceased owner, **depending on the number of surviving transfer on death beneficiaries,** consistent with the transfer on death beneficiary designation, until

that transfer on death beneficiary is admitted as a member of the limited liability company.

(2) The rights and obligations of each surviving transfer on death beneficiary with respect to the member interest are subject to all:

(A) transfer restrictions;

(B) redemption options; or

(C) other provisions;

that apply to the member's interest or member interests generally under a written operating agreement.

(c) The following apply upon the death of a person who is the owner of a member interest held in joint tenancy:

(1) Each surviving joint tenant has the status of an assignee of **all or a fractional or percentage portion of** the entire member interest, **depending on the number of surviving joint tenants,** until the surviving joint tenant is admitted as a member of the limited liability company unless the surviving joint tenant was already a member under subsection (d) before the death of each other joint tenant.

(2) The rights and obligations of each surviving joint tenant with respect to the member interest are subject to all:

(A) transfer restrictions;

(B) redemption options; or

(C) other provisions;

that apply to the member interest generally under a written operating agreement.

(d) If a member interest in a limited liability company is originally and initially issued in joint tenancy form to two (2) or more individuals, each joint tenant has the voting rights of a member unless otherwise provided in the written operating agreement. If an individual member:

(1) receives and holds a member interest as the sole owner; and

(2) at a later date, makes a lawful transfer of the member interest to be held in joint tenancy between the member and one (1) or more other persons;

then, unless otherwise provided in a written operating agreement, each other person, while all joint tenants are alive, has the status of an assignee of a fractional part of the member interest until the other person is admitted as a member of the limited liability company.

SECTION 34. IC 23-18-10-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The secretary of state may commence a proceeding under section 2 of this chapter to administratively dissolve a limited liability company if:

(1) the limited liability company does not deliver its biennial report to the secretary of state not more than sixty (60) days after the biennial report is due;

(2) the limited liability company is without a registered agent or registered office in Indiana for at least sixty (60) days;

(3) the limited liability company does not notify the secretary of state not more than sixty (60) days after its registered agent or registered office has been changed, its registered agent has resigned, or its registered office has been discontinued; ~~or~~

(4) the period of duration stated in the limited liability company's articles of organization expires; **or**

(5) the limited liability company fails to pay franchise taxes or penalties imposed by this article or another law within sixty (60) days after the date that the franchise taxes or penalties are due.

SECTION 35. IC 23-18-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If the secretary of state determines that one (1) or more grounds exist under section 1 of this chapter for dissolving a limited liability company, the secretary of state shall serve the limited liability company with written notice of the determination under IC 23-18-2-13 **unless the secretary of state:**

(1) receives a receipt showing failure of service of process upon the limited liability company's registered agent at the address of the registered office; and

(2) determines that the secretary of state's office has no record of the limited liability company's principal office address.

(b) If the limited liability company does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist not more than sixty (60) days after service of the notice is perfected under IC 23-18-2-13, the secretary of state shall administratively dissolve the limited liability company by signing a certificate of dissolution that states the ground or grounds for dissolution and its effective date. The secretary of state shall file the

original of the certificate and serve a copy on the limited liability company under IC 23-18-2-13.

SECTION 36. IC 23-18-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a)** Each foreign limited liability company authorized to transact business in Indiana must continuously maintain in Indiana the following:

(1) A registered office.

(2) A registered agent, who may be:

(A) an individual who resides in Indiana and whose business office is identical with the registered office;

(B) a domestic limited liability company, domestic corporation, or nonprofit domestic corporation whose business office is identical with the registered office; or

(C) a foreign limited liability company, foreign corporation, or foreign nonprofit corporation authorized to transact business in Indiana whose business office is identical with the registered office.

(b) Each foreign limited liability company that qualifies after June 30, 2014, to do business in Indiana shall file with the secretary of state:

(1) the registered agent's written consent; or

(2) a representation that the registered agent has consented.

(c) Each foreign limited liability company qualified to do business in Indiana shall provide to the foreign limited liability company's registered agent, and update from time to time as necessary, the name, business address, and business telephone number of a natural person who is:

(1) an officer, a director, an employee, or a designated agent of the foreign limited liability company; and

(2) authorized to receive communications from the registered agent.

The natural person is considered to be the communications contact for the foreign limited liability company.

(d) A registered agent shall retain, in paper or electronic form, the information provided by a foreign limited liability company under subsection (c).

(e) If a foreign limited liability company fails to provide the registered agent with the information required under subsection

(c), the registered agent may resign, as provided in section 10 of this chapter, as the registered agent for the foreign limited liability company.

SECTION 37. IC 23-18-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. The secretary of state may commence a proceeding under section 16 of this chapter to revoke the certificate of authority of a foreign limited liability company authorized to transact business in Indiana if at least one (1) of the following applies:

(1) The foreign limited liability company does not deliver its biennial report to the secretary of state within sixty (60) days after the biennial report is due.

(2) The foreign limited liability company is without a registered agent or registered office in Indiana for at least sixty (60) days.

(3) The foreign limited liability company does not inform the secretary of state under section 9 or 10 of this chapter that its:

(A) registered agent or registered office has changed;

(B) registered agent has resigned; or

(C) registered office has been discontinued;

within sixty (60) days of the change, resignation, or discontinuance.

(4) A member, a manager, or an agent of the foreign limited liability company signed a document the member, manager, or agent knew was false in a material respect with the intent that the document be delivered to the secretary of state for filing.

(5) The secretary of state receives an authenticated certificate from the secretary of state or other official having custody of business entity records in the state or country under whose laws the foreign limited liability company is organized stating that it has dissolved or disappeared as the result of a merger.

(6) The foreign limited liability company fails to pay franchise taxes or penalties imposed by this article or another law within sixty (60) days after the date the franchise taxes or penalties are due.

SECTION 38. IC 23-18-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) If the secretary of state determines that one (1) or more grounds exist under section 15 of this chapter for revocation of a certificate of authority, the secretary

of state shall, under section 11 of this chapter, serve the foreign limited liability company with written notice of the determination **unless the secretary of state:**

(1) receives a receipt showing failure of service of process upon the foreign limited liability company's registered agent at the address of the registered office; and

(2) determines that the secretary of state's office has no record of the foreign limited liability company's principal office address.

(b) If the foreign limited liability company does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist not more than sixty (60) days after service of the notice is perfected under section 11 of this chapter, the secretary of state may revoke the foreign limited liability company's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign limited liability company under section 11 of this chapter.

(c) The authority of a foreign limited liability company to transact business in Indiana ceases on the date shown on the certificate revoking the certificate of authority.

(d) The secretary of state's revocation of a foreign limited liability company's certificate of authority appoints the secretary of state the foreign limited liability company's agent for service of process in a proceeding based on a cause of action that arose during the time the foreign limited liability company was authorized to transact business in Indiana. Service of process on the secretary of state under this subsection is service on the foreign limited liability company. Upon receipt of process, the secretary of state shall mail a copy of the process to the foreign limited liability company at its principal office shown in the most recent communication received from the corporation stating the current mailing address of its principal office or, if it is not on file, in its application for a certificate of authority.

(e) Revocation of a foreign limited liability company's certificate of authority does not terminate the authority of the registered agent of the limited liability company.

SECTION 39. IC 23-18-11-16.5 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16.5. (a) A foreign limited liability company that has had its certificate of authority revoked under section 16 of this chapter may apply to the secretary of state for reinstatement. The application for reinstatement must include all the following:**

(1) The name of the foreign limited liability company.

(2) The effective date of the revocation of the foreign limited liability company's certificate of authority.

(3) A statement that the ground or grounds for revocation of the foreign limited liability company's certificate of authority either did not exist or have been eliminated.

(4) A statement that the foreign limited liability company's name satisfies the requirements of IC 23-18-2-8 or section 7 of this chapter.

(5) A certificate from the department of state revenue stating that all taxes owed by the foreign limited liability company have been paid.

(b) If the secretary of state determines that the application contains the information required under subsection (a) and that the information is correct, the secretary of state shall:

(1) cancel the certificate of revocation; and

(2) prepare a certificate of reinstatement that states:

(A) that the certificate of revocation has been canceled; and

(B) the date that the reinstatement is effective;

(3) file the original certificate of reinstatement; and

(4) serve, as provided in section 11 of this chapter, a copy of the certificate of reinstatement on the foreign limited liability company.

(c) When the certificate of reinstatement is effective, the certificate of reinstatement relates back to and is considered to take effect as of the effective date of the revocation of the foreign limited liability company's certificate of authority and the foreign limited liability company resumes carrying on its business as if the revocation of the foreign limited liability company's certificate of authority had never occurred.

SECTION 40. IC 23-18-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. **(a) If the secretary**

of state denies a foreign limited liability company's application for reinstatement following revocation of a certificate of authority, the secretary of state shall serve the foreign limited liability company under IC 23-18-11-11 with a written notice that explains the reason or reasons for the denial.

~~(a)~~ **(b)** A foreign limited liability company may appeal the secretary of state's ~~revocation of its certificate of authority~~ **denial of reinstatement** to the circuit or superior court of the county where the foreign limited liability company's registered office is located not more than thirty (30) days after service of the certificate of revocation is perfected. ~~under section 11 of this chapter by doing the following:~~

~~(1) Filing a petition with the court to set aside the revocation.~~

~~(2) Attaching to the petition copies of its certificate of authority and the secretary of state's certificate of revocation.~~

If the foreign limited liability company appeals to the court to set aside the revocation, the foreign limited liability company shall attach to the petition copies of the:

(1) secretary of state's certificate of revocation of the limited liability company's certificate of authority;

(2) foreign limited liability company's application for reinstatement; and

(3) secretary of state's notice of denial.

~~(b)~~ **(c)** The court may order the secretary of state to reinstate the certificate of authority or may take other action the court considers appropriate.

~~(c)~~ **(d)** The court's final decision may be appealed as in other civil proceedings.

SECTION 41. IC 23-18-12-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) For purposes of this article, a document is delivered for filing if the document is transferred to the secretary of state by hand, mail, ~~telecopy, facsimile,~~ or ~~other~~ **a** form of electronic transmission meeting the requirements established by the secretary of state.

(b) If a document is delivered for filing by hand or mail, the document must be accompanied by:

(1) two (2) exact or conformed copies of a document filed under IC 23-18-2-12 or IC 23-18-11-10; or

(2) one (1) exact or conformed copy of any other document filed

under this article.

~~(c) The office of the secretary of state shall create any copies of a document delivered by telecopy, facsimile, or other form of electronic transmission that are required for distribution under this article.~~

P.L.64-2014
[S.385. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.5. "Electronic poll book" means the combination of mechanical, electromechanical, and electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to access and maintain the electronic poll list.**

SECTION 2. IC 3-5-2-20.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.7. "Electronic poll list" means a poll list that is maintained in a computer data base.**

SECTION 3. IC 3-5-2-47.5, AS ADDED BY P.L.258-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47.5. "Signing the poll list" means:

(1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or

(2) a voter writing the voter's name on an electronic poll ~~list~~ **book** using an electronic signature pad, tablet, or other signature capturing device at a polling place, office of the circuit court clerk (under IC 3-11-10-26), or satellite office (as established under

IC 3-11-10-26.3) where the use of an electronic poll ~~list~~ **book** is authorized in accordance with IC 3-7-29-6.

SECTION 4. IC 3-5-2-49.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 49.7. "Unknown or insufficient address" refers to an address on a mailing returned by the United States Postal Service with one (1) or more of substantially the following statements made on the mailing by the United States Postal Service or a person residing at the address to which the mailing was sent:**

(1) Attempted-Not Known.
(2) Box Closed.
(3) Deceased.
(4) Forwarding time expired.
(5) Insufficient Address.
(6) Left No Address.
(7) Moved.
(8) No such number.
(9) No such office in state.
(10) No such street.
(11) Not deliverable as addressed.
(12) Refused.
(13) Returned for better address.
(14) Returned to sender.
(15) Unable to forward.
(16) Unclaimed.
(17) Undeliverable as addressed.
(18) Vacant.

SECTION 5. IC 3-6-4.2-12, AS AMENDED BY P.L.221-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The election division shall do the following:

(1) Maintain complete and uniform descriptions and maps of all precincts in Indiana.

(2) Promptly update the information required by subdivision (1) after each precinct establishment order is filed with the commission under IC 3-11-1.5.

(3) Issue media watcher cards under IC 3-6-10-6.

~~(4) Prepare and transfer to the department of state revenue voter registration affidavits for inclusion in state adjusted gross income~~

~~tax booklets under IC 6-8.1-3-19.~~

~~(5)~~ **(4)** Serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

~~(6)~~ **(5)** As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:

(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

~~(7)~~ **(6)** Implement the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title, and appoint members of the committee established under 42 U.S.C. 15405.

~~(8)~~ **(7)** Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

SECTION 6. IC 3-7-23 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Voter Registration and Indiana Income Tax Returns).

SECTION 7. IC 3-7-24-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Each office of a political subdivision that:

(1) has significant contact with the public; and

(2) is not otherwise designated as a voter registration site under this article;

is a distribution site for registration by mail forms.

(b) The county election board of the county in which the greatest percentage of **the** population of the political subdivision is located shall determine if an office has significant contact with the public for purposes of this section.

~~(c) A county election board shall include a list of all sites designated under this section in the county election board's NVRA implementation report.~~

SECTION 8. IC 3-7-26.4-6, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 6. Upon request, and not later than five (5) days after the request is filed with the election division, the election division shall provide a complete compilation of the voter registration information contained in the computerized list, including any format information or other information necessary to decode the data, to any of the following entities:

(1) The state committee of a major political party.

(2) The state organization of a bona fide political party that is not a major political party if the party has at least two (2) candidates on the ballot in the next election.

(3) The committee of an independent candidate for federal or state office if the candidate is on the ballot in the next general election.

(4) A member of the media for publication in a news broadcast or newspaper.

(5) The chief justice of the supreme court, for purposes of state administration of a jury management system.

(6) The clerk of the:

(A) United States District Court for the Northern District of Indiana; and

(B) United States District Court for the Southern District of Indiana;

for purposes of administration of a jury management system.

~~(6)~~ **(7)** Each of the following:

(A) The speaker of the house of representatives.

(B) The minority leader of the house of representatives.

(C) The president pro tempore of the senate.

(D) The minority leader of the senate.

SECTION 9. IC 3-7-26.4-12, AS AMENDED BY P.L.258-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section does not apply to the chief justice of the supreme court, **the clerk of the United States District Court for the Northern District of Indiana, the clerk of the United States District Court for the Southern District of Indiana,** or to a person described by section 8 of this chapter.

(b) Notwithstanding IC 5-14-3-8, the election division shall charge each person described by section 6 of this chapter an annual subscription fee of five thousand dollars ($5,000) to receive the following:

(1) A complete compilation of the voter registration information contained in the computerized list.

(2) Updates of the voter registration information made during the year covered by the fee.

(c) A subscription to the statewide voter registration system information expires on the first January 1 following the payment of the subscription fee.

SECTION 10. IC 3-7-26.7-6, AS ADDED BY P.L.120-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) When an applicant submits an application described in section 5(b)(1) of this chapter by use of the secure Internet web site established under this chapter, the bureau shall compare the information submitted by the applicant with the information maintained in the bureau's data base listing individuals who possess a current and valid Indiana:

(1) driver's license; or

(2) identification card for nondrivers.

(b) If the bureau confirms that the applicant possesses a current and valid:

(1) Indiana driver's license issued under IC 9-24; or

(2) Indiana identification card for nondrivers issued under IC 9-24-16;

the completed application and information compiled by the bureau (including the digital signature of the applicant) shall be submitted to the county voter registration office in the county in which the applicant currently resides using the computerized statewide voter registration list maintained under IC 3-7-26.3.

(c) If the bureau is unable to confirm that the applicant possesses a current and valid:

(1) Indiana driver's license issued under IC 9-24; or

(2) Indiana identification card for nondrivers issued under IC 9-24-16;

the ~~bureau shall send the application submitted by the applicant and information indicating that the bureau cannot confirm that the applicant possesses a current and valid Indiana driver's license or identification card to the county voter registration office in the county shown on the application. The county voter registration office shall send a notice to the applicant that the applicant's application cannot be processed~~

~~because the bureau cannot confirm that the applicant possesses a current and valid Indiana driver's license or identification card. The county voter registration office shall send the notice to the applicant at the electronic address from which the applicant submitted the application and at the mailing address provided in the application.~~ **Internet web site must display a message advising the applicant to review and correct all errors, and that there was an error validating the driver's license or identification card entered by the applicant. The Internet web site may not permit the applicant to continue the registration process unless the bureau is able to confirm that the number entered belongs to an individual.**

SECTION 11. IC 3-7-29-1, AS AMENDED BY P.L.258-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has

requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, **voter identification number,** or residence address;

commits a ~~Class D~~ **Level 6** felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll ~~list;~~ **book;** and

(2) indicates that an individual commits a ~~Class D~~ **Level 6** felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name; ~~or~~

(B) the individual's voter identification number; or

~~(B)~~ **(C)** the individual's residence address.

SECTION 12. IC 3-7-29-4, AS AMENDED BY P.L.271-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) The county voter registration office may also provide the

inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration **(or a more recent signature of the voter from an absentee application, poll list, or registration document)** of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 13. IC 3-7-29-6, AS ADDED BY P.L.258-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If a county election board adopts an order to provide an electronic poll ~~list~~ **book** to the inspector for use at a polling place, an office of the circuit court clerk (under IC 3-11-10-26), or at a satellite office established under IC 3-11-10-26.3, electronic poll ~~lists may~~ **books shall** be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll ~~list~~ **book** at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).

(c) The county voter registration office shall download the information required to be available on an electronic poll ~~list~~ **book** before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used in a polling place, the office of a circuit court clerk under IC 3-11-10-26, or a satellite office established under IC 3-11-10-26.3, under an order adopted under subsection (a) must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12.

SECTION 14. IC 3-7-32-8, AS ADDED BY P.L.258-2013, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section does not apply to a voter registration application received by any of the following:

(1) An employee of a license branch:

(A) acting in accordance with IC 3-7-14; **or**

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the license branch's transmittal of other applications under IC 3-7-14.

(2) An employee of a public assistance agency:

(A) acting in accordance with IC 3-7-15; **or**

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-15.

(3) An employee of an agency serving persons with disabilities:

(A) acting in accordance with IC 3-7-16; **or**

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-16.

(4) An employee of an office designated under IC 3-7-18:

(A) acting in accordance with that chapter; **or**

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-18.

(5) An employee of an office designated under IC 3-7-19:

(A) acting in accordance with that chapter; **or**

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-19.

(6) An employee of the office of the department of employment and training services:

(A) acting in accordance with IC 3-7-20.5; **or**

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-20.5.

(7) An employee of the United States Postal Service or a bonded courier company, acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.

(8) A member of the applicant's household.

(9) An applicant's attorney in fact under IC 30-5-5-14.

(10) The election division acting in accordance with IC 3-7-33-3.7.

(11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.

(12) A precinct election officer acting in the officer's official capacity under IC 3-6-6.

(13) A county voter registration officer acting in accordance with IC 3-7.

(b) ~~After December 31, 2013,~~ A person who receives a completed application form shall file the application with the appropriate county voter registration office or the election division not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by state law for filing the application with the county voter registration office;

whichever occurs first.

(c) If a person receives a completed voter registration application that the person has reason to believe is materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in subsection (b), with a statement sworn or affirmed to under the penalties for perjury, setting forth the reasons why the person believes the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine if a violation of election law has occurred.

SECTION 15. IC 3-7-33-5, AS AMENDED BY P.L.14-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **This subsection does not apply to a voter who indicates:**

(1) under IC 3-7-39-7 or on an absentee application submitted under IC 3-11-4 that the voter has changed the voter's residence to an address within the same precinct where the voter's former address was located; or

(2) under IC 3-7-41 or an absentee application submitted under IC 3-11-4 that the voter has changed the voter's name.

When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

(1) A statement that the application has been received.

(2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (g), the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may not include a voter identification number.

(e) The notice required by subsection (b) may include a voter registration card.

(f) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(g) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

(1) is not returned by the United States Postal Service and received by the county voter registration office at; or

(2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period under subsection (c) expires before election day;

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g); and

(3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(i) This subsection applies if the notice is mailed by the county voter

registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period has not expired before election day; and

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

SECTION 16. IC 3-7-34-1.5, AS ADDED BY P.L.258-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) For purposes of this chapter, a registration form is "incomplete" if the applicant does not provide any of the following:

(1) The name of the applicant.

(2) The residence address of the applicant (other than the ZIP code).

(3) The mailing address of the applicant (other than the ZIP code), unless the applicant provides a residence address at which United States Postal Service mail delivery for the applicant can be received.

(4) The date of birth of the applicant.

(5) The voter identification number of the applicant or a statement that the applicant has no voter identification number.

(6) The applicant's response to the question, "Are you a citizen of the United States of America?".

(7) The applicant's response to the question, "Will you be at least eighteen (18) years of age on or before election day?".

(8) A map, **description,** or diagram ~~of~~ **sufficient to permit locating** the voter's residence (if the applicant has no residence address with a street number or name included on this application).

(9) The signature of the applicant to the statement swearing or affirming that:

(A) the applicant meets the requirements for approval of the

application;

(B) the information and all other statements on the application are true; and

(C) the applicant understands if the applicant signs the statement knowing that the statement is not true, the applicant is committing perjury, and understands the penalties for committing perjury.

(b) For purposes of this chapter, a registration form is "incomplete" if a person who received a completed application from the applicant does not provide any of the following:

(1) The name and residence address of the individual who received the application.

(2) The date on which the individual received the application from the applicant.

(3) The signature of the individual certifying this information.

SECTION 17. IC 3-7-34-4, AS AMENDED BY P.L.81-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This section does not apply to an absent uniformed services voter who submits a registration application less than ten (10) days before the election under IC 3-7-36.**

(b) Not later than ~~the date the county is required to prepare a certified list of voters under IC 3-7-29-1,~~ **ten (10) days before the election,** the county voter registration office shall certify to the county election board a list of the registration forms that remain incomplete after the effort made under section 2 of this chapter and that do not permit the county voter registration office to determine if the applicant is eligible to register under this article. Upon certification, the county voter registration office shall reject the applications.

SECTION 18. IC 3-7-34-4.5, AS ADDED BY P.L.219-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This section applies to an application that is incomplete under section 1.5(b) of this chapter.

(b) If the application contains all the information required to be supplied by the voter, but does not include:

(1) information required to be supplied by an individual who received the completed application from the voter; or

(2) the signature of that individual;

the county voter registration office shall promptly make one (1) effort to contact the individual who received the completed application from the voter, if possible, and one (1) effort to contact the voter to obtain the missing information or the signature in the case of the individual who received the completed application from the voter. **For purposes of this subsection, "effort" refers to the activities described in section 2(b) of this chapter.**

(c) The county voter registration office shall process the application under this article if the county voter registration office:

(1) obtains the information or signature; or

(2) cannot obtain the information or signature of the individual who had custody of the application and the application is otherwise complete.

(d) In determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the ground that the individual who received the completed application from the voter failed to complete the application with the information or signature described in section 1.5(b) of this chapter. However, the county voter registration office shall, not later than three (3) days after receipt of the application, provide notice of the failure to properly complete the application to the county election board for appropriate action under IC 3-6-5-31.

SECTION 19. IC 3-7-34-5, AS AMENDED BY P.L.164-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles commission, ~~or a voter registration agency,~~ the county voter registration office shall promptly make one (1) effort to contact the ~~officer,~~ commission ~~or agency~~ to obtain the information.

(b) If the information is not obtained from the ~~officer,~~ commission ~~or agency~~ under subsection (a) not later than seven (7) days after the county voter registration office provides the notice, the county voter registration office shall notify the NVRA official. The NVRA official shall contact the ~~officer,~~ commission ~~or agency~~ to request that the information be provided to the county voter registration office or that the ~~officer,~~ commission ~~or agency~~ file a statement with the county voter registration office indicating why the information is not available.

SECTION 20. IC 3-7-34-13, AS AMENDED BY P.L.81-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If a registration form complies with section 9(c) of this chapter and is received after the certified list has been prepared under IC 3-7-29 **or the information required to be available on an electronic poll list has been downloaded onto an electronic poll book for use on election day,** the county voter registration office shall:

(1) process the form in accordance with IC 3-7-33-5; and

(2) if the registration application is approved, issue a certificate of error under IC 3-7-48.

(b) If a registration form does not comply with section 9(c) of this chapter, the county voter registration office shall process the form in accordance with IC 3-7-13-12.

SECTION 21. IC 3-7-38.2-2, AS AMENDED BY P.L.258-2013, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);

(2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each ~~registered~~ voter **whose registration has not previously been canceled or designated as inactive under this chapter** at the residence address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices **returned because of an unknown or insufficient address.**

(3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county **because of an unknown or insufficient address.**

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

(6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter returns the card described in subsection (d)(2) after the

final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, **determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then** designate the voter as inactive.

(g) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsection (f) or (g) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the date described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 22. IC 3-7-38.2-8, AS AMENDED BY P.L.258-2013, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. At least once each month, the NVRA official shall notify each county voter registration office **of voters within the county** whose residences may have changed according to information supplied under this chapter.

SECTION 23. IC 3-7-38.2-16, AS AMENDED BY P.L.258-2013, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) During each even-numbered year, the

NVRA official shall conduct a residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) ~~may~~ **shall** send a **nonforwardable** mailing by U.S. mail, postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in Indiana.

(b) The NVRA official shall, not later than January 31 of each **even numbered** year, request information from the:

(1) United States District Court for the Northern District of Indiana; and

(2) United States District Court for the Southern District of Indiana;

concerning the return of U.S. mail sent by the court for jury selection purposes. The state shall provide each county voter registration office with information concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts as undeliverable due to an unknown or insufficient address. The county voter registration office shall send an address confirmation notice to the voter described by this subsection.

SECTION 24. IC 3-7-38.2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. **(a) If** the mailing **to a voter** sent under section 16 of this chapter ~~must inquire whether the voter still resides at the residence address indicated on the person's voter registration. If the postcard is returned as undeliverable and the voter does not vote in either of the two (2) general elections following the mailing of the postcard, the county voter registration office shall remove the voter's name from the list of registered voters at the expiration of the period ending~~ **is returned by the United States Postal Service because of an unknown or insufficient address, the NVRA official shall mail a second notice to the voter. The notice must meet the following requirements:**

(1) Be sent by first class, United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter.

(2) Include a postage prepaid return card that:

(A) is addressed to the NVRA official;

(B) states a date (which must be at least thirty (30) days after the date the notice was mailed) by which the card

must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(b) If a voter returns the card described in subsection (a)(2) and provides a current residence address that establishes that the voter resides:

(1) in the same county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(c) If a voter returns the card described in subsection (a)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when the registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any updates or cancellation of the voter registration record indicated on the card by the voter under subsection (b).

(d) If a voter returns the card described in subsection (a)(2) during the period described in subsection (c) with a request that the voter's registration record at an address be canceled, the county voter registration office shall proceed to cancel the registration under section 3 of this chapter.

(e) If a card is returned not later than the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall designate the voter as inactive.

(f) If a card is returned after the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, designate the voter as inactive.

(g) If a voter does not return the card described in subsection (a)(2) by the date specified in subsection (a)(2)(B), the county voter registration office shall indicate in the voter's registration record

that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsections (e) through (g) remains in inactive status from the date described in subsection (a)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (b) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the day described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records not later than thirty (30) days after the second general election following the date on which notices are mailed to a voter under section 16 of this chapter.

SECTION 25. IC 3-7-39-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under 42 U.S.C. 1973gg-6(e)(1), a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the commission under IC 3-10-11-6. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 26. IC 3-7-40-6, AS AMENDED BY P.L.225-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. When notified by:

(1) the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter;

(2) the United States Postal Service that mail delivery to postal boxes located in a United States Postal Service facility will be discontinued and replaced by residential delivery; or

(3) a local public official (or plan commission) under section 3 of this chapter of:

(A) the naming or renaming of streets;

(B) the numbering or renumbering of lots or structures; or

(C) the conversion of rural route addresses to numbered addresses;

the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 27. IC 3-7-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 40.5. Changes in Registration Records to Update Signature of Voter

Sec. 1. (a) This section applies when a county voter registration office determines that the original signature of a voter on a voter registration application previously approved by the county voter registration office is missing or has been destroyed.

(b) The county voter registration office may scan a copy of the voter's original signature from a poll list or other document maintained by the county election board or the county voter registration office into the computerized list to generate a copy of the signature for printing on a poll list or for an electronic poll book.

SECTION 28. IC 3-7-41-2, AS AMENDED BY P.L.164-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** The statement described in section 1 of this chapter may be filed with the county voter registration office at any time.

(b) A voter who wishes to indicate that the voter's name has changed may also write the necessary information concerning the name

change on the poll list under IC 3-11-8-25.1 before the person receives a ballot. The **change of name on the voter registration record is effective immediately, and the** person may then vote if otherwise qualified.

(c) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (b) may indicate that the voter's name has changed by writing the necessary information concerning the name change on election day using the affidavit prescribed by the commission under IC 3-10-11-6. The poll clerks shall initial the affirmation. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

SECTION 29. IC 3-7-42-4, AS AMENDED BY P.L.164-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. At the time of transfer, the county voter registration office shall amend

~~(1) the original affidavit filed by the voter to indicate the changed mailing address, street name, or residence number on the affidavit; and~~

~~(2)~~ the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 30. IC 3-7-45-2.1, AS AMENDED BY P.L.164-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

(1) died within Indiana but outside the county of residence; and

(2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known

voting addresses in the county of all persons:

(1) who have died within the jurisdiction of the officer; or

(2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

(1) who died outside Indiana;

(2) who maintained a residence address within the county during the two (2) years preceding the date of death; and

(3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

(e) The county voter registration office shall request a copy of the death records filed quarterly by the local health department with the county auditor under IC 16-37-3-9(c). If a voter is identified as deceased in the death records, the county voter registration office shall cancel the voter registration record of that individual in conformity with section 3 of this chapter.

SECTION 31. IC 3-7-45-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. The election division shall coordinate the computerized list described in section 2.1 of this chapter with the bureau of motor vehicles to permit a county voter registration office to cancel on an expedited basis the registration record of an individual who is reported deceased by the bureau of motor vehicles.**

SECTION 32. IC 3-7-45-3, AS AMENDED BY P.L.164-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As required by 42 U.S.C. 15483, after receipt of the reports required by section 2.1 **or 2.2** of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.

SECTION 33. IC 3-7-48-3, AS AMENDED BY P.L.271-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section does not apply whenever a county voter registration office provides confirmation of the issuance of a certificate of error to a precinct election officer by transmitting the

confirmation through an electronic poll ~~list~~ **book** used at a precinct or vote center.

(b) One (1) copy of the certificate of error shall be ~~delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to~~ **filed by** the circuit court clerk with other election material **for the precinct in which the voter resides** at the close of the polls as provided in this title.

SECTION 34. IC 3-7-48-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to a voter who:

(1) formerly resided in a precinct according to the voter registration record; and

(2) no longer resides in that precinct according to the voter registration record.

(b) As provided under 42 U.S.C. 1973gg-6(e)(3), a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the commission under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 35. IC 3-8-6-6, AS AMENDED BY P.L.194-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 6. (a) The signatures to a petition of nomination need not be appended to one (1) paper, but a petitioner may not be counted unless ~~at the time of signing~~ the petitioner is registered and qualified to vote **in conformity with section 8 of this chapter.** Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(b) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 36. IC 3-8-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Not later than noon ten (10) days after

~~(1) receipt of the candidate lists from each circuit court clerk under section 5 of this chapter; or~~

~~(2)~~ the certification of the canvass performed by the election division under IC 3-10-1-34,

~~whichever occurs later,~~ the secretary of state shall furnish to the state chairman of each major political party of the state a list, certified under the secretary's hand and seal.

(b) The list described in subsection (a) must:

~~(1) contain the names of all candidates nominated as certified by the circuit court clerks under section 5 of this chapter;~~

~~(2)~~ **(1)** contain the names of all candidates shown to be nominated by the canvass of the election division conducted under IC 3-10-1-34; and

~~(3)~~ **(2)** include the address of each candidate.

(c) No other form of certification of nomination for office is necessary for an individual included on the list described by this

section.

SECTION 37. IC 3-10-1-31.1, AS AMENDED BY P.L.141-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

(1) IC 3-12-6-19 or IC 3-12-11-16; or

(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office ~~may~~ **shall** unseal the envelopes containing the poll lists, **inspect the poll lists, and update the registration records of the county.** ~~For the purposes of:~~

~~(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;~~

~~(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;~~

~~(3) a change of name made under IC 3-7-41;~~

~~(4) adding the registration of a voter under IC 3-7-48-8; or~~

~~(5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;~~

~~the county voter registration office may inspect the poll lists and update the registration record of the county.~~ The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(h) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 42 U.S.C. 1974, after which time the disc or

medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 42 U.S.C. 1973.

SECTION 38. IC 3-10-11-5, AS AMENDED BY P.L.164-2006, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An affidavit executed under this chapter must contain the following information:

(1) The person's last, first, and middle name, in that order.

(2) The person's ~~birthplace and~~ date of birth.

(3) Whether the person is a United States citizen.

(4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation, or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.

(5) The address of the person's previous residence, including the county.

(6) The person's statement that the person satisfies the conditions set forth in section 2 of this chapter.

(7) The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

SECTION 39. IC 3-11-1.5-3.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.4. (a) This section applies to a county with a board of elections and registration established under IC 3-6-5.2.**

(b) As used in this section, "committee" refers to the small precinct committee established by subsection (c).

(c) Effective June 1, 2014, the small precinct committee is established in the county.

(d) The committee consists of:

(1) each member of the board of elections and registration; and

(2) any additional individual appointed by unanimous vote of

the entire membership of the board.

(e) The committee shall determine:

(1) which precincts within the county had fewer than five hundred (500) active voters (as defined in IC 3-11-18.1-2) as of June 1, 2014;

(2) if compliance with the precinct boundary standards set forth in section 4 or 5 of this chapter would prevent the combination of a precinct described in subdivision (1) with one (1) or more adjoining precincts; and

(3) the potential savings in the administration of elections resulting from the combination of precincts under this section.

(f) Not later than noon August 1, 2014, the board of elections and registration shall:

(1) adopt a proposed precinct establishment order implementing the findings of the committee; and

(2) file the proposed order with the election division not later than noon August 8, 2014.

(g) If the proposed precinct establishment order is approved under this chapter, the order takes effect January 1, 2015. However, if an objection to the proposed order is filed under section 18 of this chapter, the proposed precinct establishment order takes effect January 1, 2015, unless at least three (3) members of the commission affirmatively vote to sustain the objection.

(h) This section expires January 1, 2016.

SECTION 40. IC 3-11-3-16, AS AMENDED BY P.L.258-2013, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 ~~(or an electronic poll list in a county described by IC 3-7-29-6 or IC 3-11-18.1)~~ and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by IC 3-7-29-6 or IC 3-11-18.1, the electronic poll ~~lists~~ **books** shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll ~~lists).~~ **books).**

SECTION 41. IC 3-11-4-2, AS AMENDED BY P.L.194-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application **and comply with subsection (d).**

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board,

or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) Beginning January 1, 2015, the date (or dates) that the absentee ballot applications attached to the affidavit were received.

~~(3)~~ **(4)** A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

~~(4)~~ **(5)** A statement that the person is executing the affidavit under the penalties of perjury.

~~(5)~~ **(6)** A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 42. IC 3-11-4-5.1, AS AMENDED BY P.L.194-2013, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the

following:

(1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.

(2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.

(3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.

(4) Set forth the penalties for perjury.

(c) The form prescribed by the commission shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) ~~Not later than June 30, 2013,~~ The commission shall approve absentee ballot application forms that comply with this subsection and section 2(g) of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the commission must request that a voter who requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter ~~after June 30, 2013,~~ must:

(1) comply with subsection (d); or

(2) be an earlier approved version of an application form authorized for use on June 30, 2013.

(f) The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and

(2) the applicant's legal residence is at the address set forth in the

applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address ~~at which the applicant resides and~~ to which the absentee ballot is to be mailed.

SECTION 43. IC 3-11-4-17.5, AS AMENDED BY P.L.194-2013, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true;

(3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and

(4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast ~~an absentee ballot, and the voter's absentee ballot shall be treated as~~ a provisional ballot, **which the county election board shall retain and not transmit to the voter's precinct.**

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under

section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

(d) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

(1) is a voter of the precinct according to the registration record; **and**

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; ~~and~~

~~(3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;~~

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 44. IC 3-11-8-7, AS AMENDED BY P.L.221-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. In preparing the polls for an election, the county executive shall:

(1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;

(2) ensure that the portion of the room set apart for the precinct election board includes a ~~door~~ **designated area before the voter approaches the precinct election board** at which each voter appears for challenge; and

(3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for challenge and to the room in which the election is held.

SECTION 45. IC 3-11-8-10.3, AS AMENDED BY SEA 185-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10.3. (a) ~~As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.~~ **A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.**

(b) An electronic poll ~~list~~ **book** must satisfy all of the following:

(1) An electronic poll ~~list~~ **book** must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll ~~list.~~ **book.**

(2) An electronic poll ~~list~~ **book** may not be connected to a voting

system. **However, the electronic poll book may be used in conjunction with a voting system if both the following apply:**

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All ballot related data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll ~~list~~ **book** may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll ~~list~~ **book** has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll ~~list~~ **book** must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the ~~data base;~~ **electronic poll book;** and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll ~~list~~ **book** must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under

IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll ~~list~~ **book** must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll ~~list~~ **book** must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county. ~~in which an electronic poll list is being used.~~

(8) The electronic poll ~~list~~ **book** must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll ~~list~~ **book** must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll ~~list~~ **book** must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll ~~list~~ **book** must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll ~~list~~ **book** must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code

on the license or card.

(13) A printer separate from the electronic poll ~~list~~ **book** used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll ~~list~~ **book** must be compatible with:

(A) any hardware attached to the **electronic** poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll ~~list.~~ **book.**

(15) The electronic poll ~~list~~ **book** must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(16) The procedures for setting up, using, and shutting down an electronic poll ~~list~~ **book** must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(17) The electronic poll ~~list~~ **book** must enable a precinct election officer to verify that the electronic poll ~~list:~~ **book:**

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(18) The electronic poll ~~list~~ **book** must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll ~~list.~~ **book.**

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll ~~list.~~ **book.**

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll ~~list~~ **book** using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll ~~list;~~ **book;** and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll ~~list~~ **book** system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll ~~list~~ **book** consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll ~~list.~~ **book.**

(H) Repair and maintenance policies for the electronic poll ~~list.~~ **book.**

(I) As of the date of the vendor's application for approval of the electronic poll ~~list~~ **book** by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll ~~list.~~ **book.**

(ii) A description of any known anomalies involving the functioning of the electronic poll ~~list;~~ **book,** including how those anomalies were resolved.

(19) The electronic poll ~~list~~ **book** and any hardware attached to the **electronic** poll book must be designed to prevent injury or

damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll ~~list~~ **book** must demonstrate that it correctly processes all activity regarding each voter registration record included on the ~~list,~~ **electronic poll book,** including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll ~~list.~~ **book.**

(21) The electronic poll ~~list~~ **book** must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll ~~list~~ **book** by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll ~~list~~ **book** must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter ~~voted,~~ **signed the electronic poll book,** and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(23) The electronic poll ~~list~~ **book** must:

(A) permit a voter to sign the **electronic** poll ~~list~~ **book** even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

SECTION 46. IC 3-11-8-11.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 11.3. (a) This section applies to a voter casting an absentee ballot at:~~

~~(1) a location of the office of the circuit court clerk designated by the circuit court clerk under IC 3-11-10-26(a)(1);~~

~~(2) the office of the board of elections and registration under IC 3-11-10-26(b)(1); or~~

~~(3) a satellite office established under IC 3-11-10-26.3.~~

~~(b) When the hour for closing the location or office, or the deadline for voting established by IC 3-11-10-26, occurs, a voter who is:~~

~~(1) in the act of voting; or~~

~~(2) in line to vote, as determined in subsection (c);~~
~~shall be permitted to vote, unless otherwise prevented according to law.~~

~~(c) At the time described in subsection (b), an individual designated by the circuit court clerk shall:~~

~~(1) determine the end of the line of voters who are waiting to vote at the time described in subsection (b); and~~

~~(2) use one (1) of the following methods to identify the voters in the line who may vote unless otherwise prevented according to law:~~

~~(A) Write down the name of each voter.~~

~~(B) Stamp each voter's hand.~~

~~(C) Stand, or designate another individual to stand, immediately behind the last voter who may vote.~~

SECTION 47. IC 3-11-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. **After entering the polls, the voter shall proceed to the designated area for challengers.** A voter shall immediately announce the voter's full and true name to the challengers.

SECTION 48. IC 3-11-8-23, AS AMENDED BY P.L.219-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

(1) A statement that the voter is a citizen of the United States.

(2) The voter's date of birth to the best of the voter's information and belief.

(3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(4) The voter's name and a statement that the voter is generally known by that name.

(5) A statement that the voter has not voted and will not vote in

any other precinct in this election.

~~(6) The voter's occupation.~~

~~(7)~~ **(6)** The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(7) If applicable, that, when the voter was challenged to present proof of identification or an additional document to confirm the voter's identity and current residence, the voter presented proof of identification or the additional documentation that complied with IC 3-5-2-40.5 or IC 3-7-33-4.5.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by IC 3-7-13-10.

SECTION 49. IC 3-11-8-25.1, AS AMENDED BY SEA 185-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as

prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll list. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity

following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll ~~list~~ **book** (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll ~~list~~ **book** is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll ~~list~~ **book** and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll ~~list.~~ **book.**

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

SECTION 50. IC 3-11-10-14, AS AMENDED BY P.L.219-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. Subject to IC 3-10-8-7.5, **IC 3-12-1-17,** and section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day are considered as arriving too late and need not be delivered to the polls.

SECTION 51. IC 3-11-10-16, AS AMENDED BY P.L.221-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If the inspector finds under section 15 of this chapter that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

(3) the absentee voter is a qualified voter of the precinct;

(4) the absentee voter is registered and is not required to file additional information with the county voter registration office under IC 3-7-33-4.5;

(5) the absentee voter has not voted in person at the election; and

(6) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;

then the inspector shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) The inspector shall then hand the ballots to the judges who shall deposit the ballots in the proper ballot box. ~~and enter the absentee voter's name on the poll list, as if the absentee voter had been present and voted in person.~~ The ~~judges~~ **inspector** shall mark the poll list **in the presence of the poll clerks** to indicate that the voter has voted by absentee ballot. If the voter has registered and voted under IC 3-7-36-14, the inspector shall attach to the poll list the circuit court clerk's certification that the voter has registered.

SECTION 52. IC 3-11-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast. The challenge under this section regarding the absentee ballot must be determined **by the county election board** using the procedures for counting a provisional ballot under IC 3-11.7.

SECTION 53. IC 3-11-10-22, AS AMENDED BY P.L.109-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an

absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot **envelope must be marked to indicate that a provisional ballot is enclosed, and the envelope** shall be placed ~~in the ballot box.~~ **with the other provisional ballot envelopes for transmittal to the county election board.**

SECTION 54. IC 3-11-10-26.2, AS AMENDED BY P.L.194-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.2. (a) A

~~(1)~~ county election board or

~~(2)~~ board of elections and registration

~~of a county subject to IC 3-11.5 may adopt a resolution to authorize the circuit court clerk to use~~ **shall comply with IC 3-11-9-6 by providing** an electronic voting system for voting by absentee ballot in the office of the circuit court clerk, ~~or~~ **the** board of elections and registration, **or a satellite office established under section 26.3 of this chapter, by a voter with disabilities or any other qualified absentee voter who wishes to cast an absentee ballot on the electronic voting system.**

(b) The county election board or board of elections and registration may adopt a resolution ~~adopted~~ under this ~~subsection may also~~ **section to** authorize the circuit court clerk to use an electronic voting system for voting by voters eligible to cast an absentee ballot before an absentee board under section 25 of this chapter.

~~(b)~~ A resolution adopted under this section must be adopted by the unanimous vote of the board's entire membership.

(c) ~~A resolution adopted~~ **A county providing absentee ballot voting** under this section must ~~provide~~ **adopt** procedures to do the following:

(1) Secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot.

(2) Compare the signature on an absentee ballot application with the applicant's signature on the applicant's voter registration application.

(3) Ensure that an invalid ballot (as determined under IC 3-11.5) is not counted.

(4) Specify how a spoiled absentee ballot is to be canceled in the direct record electronic voting system if a voter casts and returns a replacement absentee ballot.

(d) A resolution adopted under this section may contain other provisions to implement this section that the board considers useful and that are not contrary to Indiana or federal law.

(e) If a resolution is adopted under this section, the circuit court clerk may use as many electronic voting machines for recording absentee votes as the clerk considers necessary, subject to the resolution adopted by the board.

(f) Notwithstanding any other law, an absentee ballot voted on an electronic voting system under this section is not required to bear the seal, signature, and initials prescribed by section 27 of this chapter.

(g) If a resolution is adopted under this section, the procedure for casting an absentee ballot on an electronic voting system must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter.

SECTION 55. IC 3-11-10-29, AS AMENDED BY P.L.194-2013, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) The envelope required by section 28 of this chapter must bear upon its face a printed affidavit containing the voter's affirmation under penalties of perjury that the following information is true:

The voter must indicate the voter's precinct and township (or ward and city or town) and indicate whether the voter is entitled to vote as a resident of the precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.

(b) The voter must sign and date the affidavit, and the absentee voter board **members each** must sign the affidavit, **and after December 31, 2014, print the member's name.**

(c) The absentee voter board must indicate on the affidavit if:

(1) the board visited the voter in the manner authorized under

section 25(b) of this chapter; and

(2) the voter was a voter with disabilities who was unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope under section 24(b) of this chapter.

SECTION 56. IC 3-11-10-29.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29.2. (a) This section applies to a voter casting an absentee ballot at:**

(1) the location of the office of the circuit court clerk designated by the circuit court clerk under IC 3-11-10-26(a)(1);

(2) the office of the board of elections and registration under IC 3-11-10-26(b)(1); or

(3) a satellite office established under IC 3-11-10-26.3.

(b) When the hour for closing the location or office described in subsection (a) or the deadline for voting established by IC 3-11-10-26 occurs, a voter who is:

(1) in the act of voting; or

(2) in line to vote, as determined in subsection (c);

shall be permitted to vote, if otherwise qualified to vote according to law.

(c) At the time described in subsection (b), an individual designated by the circuit court clerk shall:

(1) determine the end of the line of voters who are waiting to vote; and

(2) use one (1) of the following methods to identify the voters in the line who may vote if otherwise qualified to vote according to law:

(A) Write down the name of each voter.

(B) Stamp each voter's hand.

(C) Stand, or designate another individual to stand, immediately behind the last voter who may vote.

SECTION 57. IC 3-11-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Following the resolution of any challenge to a voter, as each successive voter calls for a ballot, the poll clerks or assistant poll clerks shall deliver to the voter the first initialed ballot. ~~of each type.~~ The inspector shall then deliver to the clerks another ballot, ~~of each type,~~ which the clerks shall initial

as before. **The voter shall then sign the poll list.**

SECTION 58. IC 3-11-11-15 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 15. After a voter's ballots have been deposited in the ballot box, the poll clerks or assistant poll clerks shall make a voting mark after the name of the voter on the poll list.~~

SECTION 59. IC 3-11-18.1-4, AS AMENDED BY SEA 185-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll ~~list~~ **book** used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll ~~lists~~ **books** used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll ~~lists~~ **books** to be provided for the precinct.

(13) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system printed on the back of the ballot card immediately before the ballot card is delivered to a voter.

(14) The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(15) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(16) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(17) The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(18) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(19) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

(20) For a plan adopted after July 1, 2014, in a county in which a majority of votes are cast on optical scan ballot cards, any additional procedures to provide for efficient and secure voting at each vote center, including ballot on demand printing.

SECTION 60. IC 3-11-18.1-5, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) Except as provided in subsection (b),** a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in 2015 and every four (4) years thereafter for some or all of the towns:

(1) located within the county; and

(2) having a population of less than three thousand five hundred (3,500).

SECTION 61. IC 3-11-18.1-12, AS AMENDED BY P.L.271-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. **(a) Notwithstanding section 1 of this**

chapter, this section applies to an electronic poll book to be used in:

(1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or

(2) a vote center under this chapter.

~~(a)~~ **(b)** Notwithstanding any other law, the electronic poll list used at each vote center must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with this section.

~~(b)~~ **(c)** A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.

~~(c)~~ **(d)** The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

~~(d)~~ **(e)** The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

(1) whether the electronic poll book would operate in compliance with this title;

(2) any recommendations regarding the acquisition or use of the electronic poll book; and

(3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

~~(e)~~ **(f)** After the report required by subsection ~~(d)~~ **(e)** is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

~~(f)~~ **(g)** A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

SECTION 62. IC 3-11.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose

immediately the accepted and unopened ballot envelope, together with the voter's application for the absentee ballot, in a large or carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and applications.**

(b) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only on election day under IC 3-11.5.".

SECTION 63. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to **IC 3-10-8-7.5, IC 3-12-1-17, and** section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after noon on election day are considered as arriving too late and may not be counted.

SECTION 64. IC 3-11.5-4-15, AS AMENDED BY P.L.271-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in subsection (c), the vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

(c) This section applies to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative

designated by a county election board member, may ~~protest the counting of an absentee ballot under IC 3-11.5-5-8 or IC 3-11.5-6-6.~~ **challenge the absentee ballot under section 16 of this chapter.**

(d) The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7.

SECTION 65. IC 3-11.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Absentee ballot counters shall conduct the activities conducted by precinct election officials **in submitting returns to the county election board** under IC 3-12-4.

(b) The returns of absentee ballot counters shall be treated the same as the returns of a precinct election board under IC 3-12-4.

SECTION 66. IC 3-11.7-5-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. During the county election board's consideration of the validity of a provisional ballot, the board shall not publicly identify the individual who cast the ballot by name or any identifying number, but shall refer to the ballot in terms sufficient to preserve the record regarding the board's determination regarding the validity of the provisional ballot.**

SECTION 67. IC 3-11.7-6-3, AS AMENDED BY P.L.141-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As required by 42 U.S.C. 15482, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

(1) whether the individual's provisional ballot was counted; and

(2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

(b) After December 31, 2014, the county election board shall enter the following into the computerized list:

(1) The name of the individual.

(2) The address of the individual.

(3) Whether the individual's provisional ballot was counted.

(4) If the individual's provisional ballot was not counted, the reason the provisional ballot was not counted.

~~(b)~~ **(c)** As required by 42 U.S.C. 15482, the county election board

shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

~~(c)~~ **(d)** As required by 42 U.S.C. 15482, the county election board shall restrict access to the free access system established under subsection (a) to the individual voter who cast the provisional ballot. This subsection does not restrict access to election materials available under IC 3-10-1-31.1.

~~(d)~~ **(e)** The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.

SECTION 68. IC 3-12-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Subject to sections 5, 6, **7,** 8, 9, 9.5, and 13 of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted.

SECTION 69. IC 3-12-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies only to absentee ballots.

(b) The whole ballot may not be counted unless the ballot is endorsed with the initials of:

(1) the two (2) members of the absentee voter board ~~in the office of the circuit court clerk~~ under IC 3-11-4-19, ~~or~~ **IC 3-11-10-25,** IC 3-11-10-26, **IC 3-11-10-26.3, or IC 3-11-18.1-11;** or

(2) the two (2) appointed members of the county election board (or their designated representatives) under IC 3-11-4-19.

SECTION 70. IC 3-12-1-17, AS ADDED BY P.L.164-2006, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding IC 3-11-10-14 and IC 3-11.5-4-10, an absentee ballot received from an overseas voter is not considered as arriving too

late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than ~~the deadline for counting provisional ballots under IC 3-11.7-5-1.~~ **noon ten (10) days following the election.**

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted.

SECTION 71. IC 3-12-3.5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems located within the polling place, including any absentee ballots cast, to determine if the total number of votes cast on the electronic voting systems is greater than the number of voters shown to have received a ballot at the polls or returned an absentee ballot, according to the poll lists.**

(b) If the number of ballots received at the polls and returned as absentee ballots is greater than the total number of voters shown on the poll lists, the inspector and judge of the opposite party shall report this fact in writing to the county election board together with the reasons for the discrepancy, if known, at the time that the inspector and judge return the precinct poll list to the board.

(c) If the total number of votes cast, as determined under subsection (a), is greater than the number of voters who received a ballot at the polls or returned an absentee ballot according to the poll lists, by five (5) votes or more, then the county election board shall order an audit of the votes cast in that precinct under this section.

(d) The county election board shall confirm that the votes cast in an election:

(1) for each candidate and each public question; and

(2) on a direct record electronic voting system in the precinct; were correctly counted.

(e) The county election board shall conduct an audit by means

of tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited.

(f) The county election board shall certify the results of the audit not later than noon twelve (12) days after the election. The certification must be on the form prescribed by the commission. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

(g) Public notice of the time and place of an audit shall be given at least forty-eight (48) hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within twelve (12) days after the election, notice shall be given by posting at or near the office of the county election board.

SECTION 72. IC 3-13-1-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.5. (a) This section applies to a political party subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.**

(b) All questions concerning the validity of a certificate of candidate selection filed under section 20 of this chapter with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under IC 3-8-1-2(c) not later than noon seventy-four (74) days before the date on which the general election will be held for the office.

(c) All questions concerning the validity of a certificate of candidate selection filed under section 20 of this chapter with a circuit court clerk shall be referred to and determined by the county election board. A statement questioning the validity of a certificate of candidate selection must be filed with the county election board under IC 3-8-1-2(c) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) The commission or a county election board shall act upon a question concerning the validity of a certificate of candidate selection not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

SECTION 73. IC 6-8.1-3-19 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 19. The department shall print and include a voter registration form designed by the Indiana election commission under IC 3-7-23 in each state adjusted gross income tax booklet that is mailed to a taxpayer using a preprinted mailing label with an Indiana address.~~

SECTION 74. IC 9-24-2.5-6, AS AMENDED BY P.L.225-2011, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

(1) Hand delivery to the county voter registration office.

(2) Delivery by the United States Postal Service, using first class mail.

(b) A county voter registration office:

(1) shall process a voter registration application transmitted in electronic format from a license branch; and

(2) is not required to receive the paper copy of a voter registration application from a license branch before:

(A) approving or denying the application; and

(B) mailing a notice of approval or denial to the applicant.

(c) After January 1, 2015, a county voter registration office shall scan an image of the paper copy of the registration application form into the computerized list established under IC 3-7-26.3.

SECTION 75. IC 12-15-1.5-4, AS AMENDED BY P.L.258-2013, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to a voter registration application or declination to register accepted at a county office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the county director or designated office employee shall transmit a completed voter registration application:

(1) to the ~~circuit court clerk or board of registration of the~~ county **voter registration office** in which the individual's residential address (as indicated on the application) is located; and

(2) not later than ~~ten (10)~~ **five (5)** days after the application is accepted at the office.

(c) The county director or designated employee shall transmit the

voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

(1) to the ~~circuit court clerk or board of registration of the~~ county **voter registration office** in which the individual's residential address (as indicated on the application) is located; and

(2) not later than ~~ten (10)~~ **five (5)** days after the application is accepted at the office.

SECTION 76. **An emergency is declared for this act.**

P.L.65-2014
[S.394. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 4-6-3-6, AS AMENDED BY P.L.136-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** If a person objects or otherwise fails to obey a written demand issued under section 3 of this chapter, the attorney general may file in the circuit or superior court of the county in which that person resides or maintains a principal place of business within the state an application for an order to enforce the demand. If the person does not reside or maintain a principal place of business in Indiana, the application for the order to enforce the demand may be filed in the Marion County circuit or superior court. Notice of hearing and a copy of the application shall be served upon that person, who may appear in opposition to the application. The attorney general must demonstrate to the court that the demand is proper. If the court finds that the demand is proper, it shall order that person to comply with the demand,

subject to such modification as the court may prescribe.

(b) If a person fails or refuses to obey a final order entered under subsection (a) or an order imposing sanctions under section 6.5 of this chapter, the court may hold the person in contempt.

(c) Upon motion by that person and for good cause shown, the court may make any further order in the proceedings which justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, expense, or to protect privileged information, trade secrets or information which is confidential under any other provision of law. If the court finds that either party has acted in bad faith in seeking or resisting the demand, it may order that person to pay the other parties reasonable expenses including ~~attorneys'~~ **attorney's** fees.

SECTION 2. IC 4-6-3-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.5. (a) This section applies only to a:**

(1) foreign corporation that does business in Indiana;

(2) foreign limited liability company that does business in Indiana; and

(3) person who does not reside or maintain a principal place of business in Indiana.

(b) If a person listed in subsection (a) fails or refuses to comply with a written demand issued under section 3 of this chapter, the court may, upon the request of the attorney general or on the court's own initiative, impose one (1) or more of the following sanctions against the person:

(1) Granting injunctive relief to restrain the person from engaging in the:

(A) advertising or sale of any merchandise; or

(B) conducting of any trade or commerce;

if the alleged or suspected violation involves the merchandise, trade, or commerce.

(2) Revoking or suspending the certificate of authority of the person to do business in Indiana.

(3) Enjoining the person from doing business with or being a contractor for the state of Indiana.

(4) Revoking or suspending any other license, permit, or certificate issued under law to the person which is necessary to perform services or engage in transactions in the industry,

field, or trade that the alleged or suspected violation under this chapter occurred.

(5) Granting other relief as may be required, until the person fully complies with the investigative demand.

SECTION 3. IC 4-6-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a)** All documentary material, answers to written interrogatories, and transcripts of oral testimony that are provided pursuant to an investigative demand shall be kept confidential by the attorney general until an action is filed against a person for the violation under investigation, unless:

(1) confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories, or produced documentary material; or ~~unless~~

(2) disclosure is ~~authorized by the court~~ **made by the attorney general to another state or federal attorney general or law enforcement agency** for the purposes of ~~interstate~~ cooperation in law enforcement of state or federal laws.

(b) All documentary material, answers to written interrogatories, and transcripts of oral testimony that are provided to the attorney general pursuant to an investigative demand issued by another state or federal attorney general or law enforcement agency under similar authority shall be treated as if it was obtained pursuant to an investigative demand issued by the attorney general under section 3 of this chapter.

SECTION 4. IC 23-17-24-1.5, AS ADDED BY P.L.245-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This section applies to the following:

(1) Notwithstanding IC 23-17-1-1, all corporations organized under Indiana law for a purpose for which a corporation may be organized under this article, regardless of the date of incorporation.

(2) A foreign corporation that desires to transact business in Indiana.

(b) In addition to a dissolution under section 1 of this chapter, the attorney general may petition a court to issue one (1) or more of the following remedies:

(1) Injunctive relief.

(2) Appointment of temporary or permanent receivers.

(3) Permanent removal of trustees, corporate officers, or directors who have breached the fiduciary duty.

(4) Appointment of permanent court approved replacement trustees, corporate officers or directors, and members.

(c) The attorney general may seek a remedy against any or all of the following:

(1) If the attorney general establishes a condition enumerated in section 1(a)(1) of this chapter, a corporation.

(2) For a violation of the officer's duties under IC 23-17-14-2, a corporate officer.

(3) For a violation of IC 23-17-13, a corporate director.

(d) In addition to any remedies described in subsection (b), the attorney general may accept a written assurance of voluntary compliance with respect to:

(1) a past, an existing, or an imminent condition enumerated in section 1(a)(1) of this chapter; or

(2) any past, existing, or imminent violation of a duty under this article by a corporation, director, officer, member, trustee, or other corporate principal.

(e) An assurance of voluntary compliance described in subsection (d) may include a stipulation for the voluntary payment by the person of:

(1) the costs of an investigation;

(2) an amount to be held in escrow pending the outcome of an action;

(3) an amount to be held in escrow pending the outcome of an action as restitution to an aggrieved nonprofit corporation or person; or

(4) both amounts described in subdivisions (2) and (3).

(f) An assurance of voluntary compliance described in subsection (d):

(1) must be filed with; and

(2) is subject to the approval of;

the court having jurisdiction.

(g) An assurance of voluntary compliance described in subsection (d) is not considered an admission of a violation of any law.

(h) If the attorney general closes a matter by accepting an assurance of voluntary compliance described in subsection (d), the

attorney general may reopen the matter for further proceedings within the period of the applicable statute of limitations.

SECTION 5. IC 24-4.7-3-6, AS AMENDED BY P.L.151-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The consumer protection division telephone solicitation fund is established for the purpose of the administration of:

(1) this article;

(2) ~~IC 24-5-0.5-3(a)(19);~~ **IC 24-5-0.5-3(b)(19);** and

(3) IC 24-5-14.5.

The fund shall be used exclusively for this purpose.

(b) The division shall administer the fund.

(c) The division shall deposit all revenue received:

(1) under this article;

(2) from civil penalties deposited under IC 24-5-0.5-4(h); and

(3) from civil penalties deposited under IC 24-5-14.5-12;

in the fund.

(d) Money in the fund is continuously appropriated to the division for the administration of:

(1) this article;

(2) ~~IC 24-5-0.5-3(a)(19);~~ **IC 24-5-0.5-3(b)(19);** and

(3) IC 24-5-14.5.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a particular state fiscal year exceeds two hundred thousand dollars ($200,000), the treasurer of state shall transfer the excess from the fund to the state general fund.

SECTION 6. IC 24-5-0.5-2, AS AMENDED BY P.L.250-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this chapter:

(1) "Consumer transaction" means a sale, lease, assignment, award by chance, or other disposition of an item of personal property, real property, a service, or an intangible, except securities and policies or contracts of insurance issued by corporations authorized to transact an insurance business under the laws of the state of Indiana, with or without an extension of credit, to a person for purposes that are primarily personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things. However, the term includes the

following:

(A) A transfer of structured settlement payment rights under IC 34-50-2.

(B) An unsolicited advertisement sent to a person by telephone facsimile machine offering a sale, lease, assignment, award by chance, or other disposition of an item of personal property, real property, a service, or an intangible.

~~(C) Collecting or attempting to collect a debt owed or due, or asserted to be owed or due, to another person.~~

(C) The collection of or attempt to collect a debt by a debt collector.

(2) "Person" means an individual, corporation, the state of Indiana or its subdivisions or agencies, business trust, estate, trust, partnership, association, nonprofit corporation or organization, or cooperative or any other legal entity.

(3) "Supplier" means the following:

(A) A seller, lessor, assignor, or other person who regularly engages in or solicits consumer transactions, including soliciting a consumer transaction by using a telephone facsimile machine to transmit an unsolicited advertisement. The term includes a manufacturer, wholesaler, or retailer, whether or not the person deals directly with the consumer.

(B) A person who contrives, prepares, sets up, operates, publicizes by means of advertisements, or promotes a pyramid promotional scheme.

(C) A debt collector.

(4) "Subject of a consumer transaction" means the personal property, real property, services, or intangibles offered or furnished in a consumer transaction.

(5) "Cure" as applied to a deceptive act, means either:

(A) to offer in writing to adjust or modify the consumer transaction to which the act relates to conform to the reasonable expectations of the consumer generated by such deceptive act and to perform such offer if accepted by the consumer; or

(B) to offer in writing to rescind such consumer transaction and to perform such offer if accepted by the consumer.

The term includes an offer in writing of one (1) or more items of

value, including monetary compensation, that the supplier delivers to a consumer or a representative of the consumer if accepted by the consumer.

(6) "Offer to cure" as applied to a deceptive act is a cure that:

(A) is reasonably calculated to remedy a loss claimed by the consumer; and

(B) includes a minimum additional amount that is the greater of:

(i) ten percent (10%) of the value of the remedy under clause (A), but not more than four thousand dollars ($4,000); or

(ii) five hundred dollars ($500);

as compensation for attorney's fees, expenses, and other costs that a consumer may incur in relation to the deceptive act.

(7) "Uncured deceptive act" means a deceptive act:

(A) with respect to which a consumer who has been damaged by such act has given notice to the supplier under section 5(a) of this chapter; and

(B) either:

(i) no offer to cure has been made to such consumer within thirty (30) days after such notice; or

(ii) the act has not been cured as to such consumer within a reasonable time after the consumer's acceptance of the offer to cure.

(8) "Incurable deceptive act" means a deceptive act done by a supplier as part of a scheme, artifice, or device with intent to defraud or mislead. The term includes a failure of a transferee of structured settlement payment rights to timely provide a true and complete disclosure statement to a payee as provided under IC 34-50-2 in connection with a direct or indirect transfer of structured settlement payment rights.

(9) "Pyramid promotional scheme" means any program utilizing a pyramid or chain process by which a participant in the program gives a valuable consideration exceeding one hundred dollars ($100) for the opportunity or right to receive compensation or other things of value in return for inducing other persons to become participants for the purpose of gaining new participants in the program. The term does not include ordinary sales of goods

or services to persons who are not purchasing in order to participate in such a scheme.

(10) "Promoting a pyramid promotional scheme" means:

(A) inducing or attempting to induce one (1) or more other persons to become participants in a pyramid promotional scheme; or

(B) assisting another in promoting a pyramid promotional scheme.

(11) "Senior consumer" means an individual who is at least sixty (60) years of age.

(12) "Telephone facsimile machine" means equipment that has the capacity to transcribe text or images, or both, from:

(A) paper into an electronic signal and to transmit that signal over a regular telephone line; or

(B) an electronic signal received over a regular telephone line onto paper.

(13) "Unsolicited advertisement" means material advertising the commercial availability or quality of:

(A) property;

(B) goods; or

(C) services;

that is transmitted to a person without the person's prior express invitation or permission, in writing or otherwise.

(14) "Debt" has the meaning set forth in 15 U.S.C. 1692a(5)).

(15) "Debt collector" has the meaning set forth in 15 U.S.C. 1692a(6). The term does not include a person admitted to the practice of law in Indiana if the person is acting within the course and scope of the person's practice as an attorney.

(b) As used in section ~~3(a)(15) and 3(a)(16)~~ **3(b)(15) and 3(b)(16)** of this chapter:

(1) "Directory assistance" means the disclosure of telephone number information in connection with an identified telephone service subscriber by means of a live operator or automated service.

(2) "Local telephone directory" refers to a telephone classified advertising directory or the business section of a telephone directory that is distributed by a telephone company or directory publisher to subscribers located in the local exchanges contained

in the directory. The term includes a directory that includes listings of more than one (1) telephone company.

(3) "Local telephone number" refers to a telephone number that has the three (3) number prefix used by the provider of telephone service for telephones physically located within the area covered by the local telephone directory in which the number is listed. The term does not include long distance numbers or 800-, 888-, or 900- exchange numbers listed in a local telephone directory.

SECTION 7. IC 24-5-0.5-3, AS AMENDED BY P.L.273-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.**

~~(a)~~ **(b) Without limiting the scope of subsection (a),** the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

(6) That a specific price advantage exists as to such subject of a

consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction

is more than seven hundred fifty dollars ($750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing a fictitious business name or an assumed business name (as described in IC 23-15-1) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing a fictitious business name or assumed business name (as described in IC 23-15-1) in a directory assistance database if:

(A) the name misrepresents the supplier's geographic location;

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that

is not contiguous to a county in the local calling area.

(17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

(18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.

(19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.

(20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

(21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.

(22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.

(23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.

(24) A violation of IC 24-5-11 (concerning home improvement contracts), as set forth in IC 24-5-11-14.

(25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.

(26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.

(27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.

(28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.

(29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.

(30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.

(31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.

(32) A violation of IC 24-5-21 (concerning prescription drug

discount cards), as set forth in IC 24-5-21-7.

(33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.

(34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.

(35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.

(36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.

(37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.

~~(b)~~ **(c)** Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

~~(c)~~ **(d)** If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

~~(d)~~ **(e)** It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

~~(e)~~ **(f)** For purposes of subsection ~~(a)(12),~~ **(b)(12),** a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

~~(f)~~ **(g)** For purposes of subsection ~~(a)(15)~~ **(b)(15)** and ~~(a)(16),~~ **(b)(16),** a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from

liability for publishing the listing of a fictitious business name or assumed business name of a supplier in its directory or directory assistance database unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

~~(g)~~ **(h)** For purposes of subsection ~~(a)(18),~~ **(b)(18),** it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose.

SECTION 8. IC 24-5-0.5-4, AS AMENDED BY P.L.250-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person relying upon an uncured or incurable deceptive act may bring an action for the damages actually suffered as a consumer as a result of the deceptive act or five hundred dollars ($500), whichever is greater. The court may increase damages for a willful deceptive act in an amount that does not exceed the greater of:

(1) three (3) times the actual damages of the consumer suffering the loss; or

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

Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in an action under this subsection. This subsection does not apply to a consumer transaction in real property, including a claim or action involving a construction defect (as defined in IC 32-27-3-1(5)) brought against a construction professional (as defined in IC 32-27-3-1(4)), except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section ~~3(a)(20)~~ **3(b)(20)** of this chapter. This subsection also does not apply to a violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages awarded to a person under this section have priority over any civil penalty imposed under this chapter.

(b) Any person who is entitled to bring an action under subsection (a) on the person's own behalf against a supplier for damages for a deceptive act may bring a class action against such supplier on behalf of any class of persons of which that person is a member and which has been damaged by such deceptive act, subject to and under the Indiana Rules of Trial Procedure governing class actions, except as herein

expressly provided. Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in a class action under this subsection, provided that such fee shall be determined by the amount of time reasonably expended by the attorney and not by the amount of the judgment, although the contingency of the fee may be considered. Except in the case of an extension of time granted by the attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10, any money or other property recovered in a class action under this subsection which cannot, with due diligence, be restored to consumers within one (1) year after the judgment becomes final shall be returned to the party depositing the same. This subsection does not apply to a consumer transaction in real property, except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section ~~3(a)(20)~~ **3(b)(20)** of this chapter. Actual damages awarded to a class have priority over any civil penalty imposed under this chapter.

(c) The attorney general may bring an action to enjoin a deceptive act, including a deceptive act described in section ~~3(a)(20)~~ **3(b)(20)** of this chapter, notwithstanding subsections (a) and (b). However, the attorney general may seek to enjoin patterns of incurable deceptive acts with respect to consumer transactions in real property. In addition, the court may:

(1) issue an injunction;

(2) order the supplier to make payment of the money unlawfully received from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers;

(3) for a knowing violation against a senior consumer, increase the amount of restitution ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred or value of property or assets lost;

(4) order the supplier to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action;

(5) provide for the appointment of a receiver; and

(6) order the department of state revenue to suspend the supplier's registered retail merchant certificate, subject to the requirements and prohibitions contained in IC 6-2.5-8-7(i), if the court finds that a violation of this chapter involved the sale or solicited sale

of a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5).

(d) In an action under subsection (a), (b), or (c), the court may void or limit the application of contracts or clauses resulting from deceptive acts and order restitution to be paid to aggrieved consumers.

(e) In any action under subsection (a) or (b), upon the filing of the complaint or on the appearance of any defendant, claimant, or any other party, or at any later time, the trial court, the supreme court, or the court of appeals may require the plaintiff, defendant, claimant, or any other party or parties to give security, or additional security, in such sum as the court shall direct to pay all costs, expenses, and disbursements that shall be awarded against that party or which that party may be directed to pay by any interlocutory order by the final judgment or on appeal.

(f) Any person who violates the terms of an injunction issued under subsection (c) shall forfeit and pay to the state a civil penalty of not more than fifteen thousand dollars ($15,000) per violation. For the purposes of this section, the court issuing an injunction shall retain jurisdiction, the cause shall be continued, and the attorney general acting in the name of the state may petition for recovery of civil penalties. Whenever the court determines that an injunction issued under subsection (c) has been violated, the court shall award reasonable costs to the state.

(g) If a court finds any person has knowingly violated section 3 or 10 of this chapter, other than section ~~3(a)(19)~~ **3(b)(19)** or ~~3(a)(20)~~ **3(b)(20)** of this chapter, the attorney general, in an action pursuant to subsection (c), may recover from the person on behalf of the state a civil penalty of a fine not exceeding five thousand dollars ($5,000) per violation.

(h) If a court finds that a person has violated section ~~3(a)(19)~~ **3(b)(19)** of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty as follows:

(1) For a knowing or intentional violation, one thousand five hundred dollars ($1,500).

(2) For a violation other than a knowing or intentional violation, five hundred dollars ($500).

A civil penalty recovered under this subsection shall be deposited in

the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of section ~~3(a)(19)~~ **3(b)(19)** of this chapter.

(i) A senior consumer relying upon an uncured or incurable deceptive act, including an act related to hypnotism, may bring an action to recover treble damages, if appropriate.

(j) An offer to cure is:

(1) not admissible as evidence in a proceeding initiated under this section unless the offer to cure is delivered by a supplier to the consumer or a representative of the consumer before the supplier files the supplier's initial response to a complaint; and

(2) only admissible as evidence in a proceeding initiated under this section to prove that a supplier is not liable for attorney's fees under subsection (k).

If the offer to cure is timely delivered by the supplier, the supplier may submit the offer to cure as evidence to prove in the proceeding in accordance with the Indiana Rules of Trial Procedure that the supplier made an offer to cure.

(k) A supplier may not be held liable for the attorney's fees and court costs of the consumer that are incurred following the timely delivery of an offer to cure as described in subsection (j) unless the actual damages awarded, not including attorney's fees and costs, exceed the value of the offer to cure.

(l) If a court finds that a person has knowingly violated section ~~3(a)(20)~~ **3(b)(20)** of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty not exceeding one thousand dollars ($1,000) per consumer. In determining the amount of the civil penalty in any action by the attorney general under this subsection, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional. A person may not be held liable in any action by the attorney general for a violation of section ~~3(a)(20)~~ **3(b)(20)** of this chapter if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error. A person may not be held liable in any action for a violation of this

chapter for contacting a person other than the debtor, if the contact is made in compliance with the Fair Debt Collection Practices Act.

SECTION 9. IC 24-5-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 24.5. Security Freezes for Protected Consumers

Sec. 1. As used in this chapter, "consumer" means an individual whose principal residence is in Indiana.

Sec. 2. As used in this chapter, "consumer report" has the meaning set forth in IC 24-5-24-2.

Sec. 3. As used in this chapter, "consumer reporting agency" has the meaning set forth in IC 24-5-24-3.

Sec. 4. As used in this chapter, "protected consumer" means an individual who is:

(1) less than sixteen (16) years of age; or

(2) an incapacitated person (as defined in IC 29-3-1-7.5) for whom a court has appointed a guardian.

Sec. 5. As used in this chapter, "record" means a compilation of information that:

(1) identifies a protected consumer;

(2) is created by a consumer reporting agency solely for the purpose of complying with this chapter; and

(3) is not created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

Sec. 6. As used in this chapter, "representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

Sec. 7. As used in this chapter, "security freeze" means:

(1) if a consumer reporting agency does not have a consumer report pertaining to a protected consumer, a restriction that:

(A) is placed on the protected consumer's record in accordance with this chapter; and

(B) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided under this chapter; or

(2) if a consumer reporting agency has a consumer report for the protected consumer, a restriction that:

(A) is placed on the protected consumer's consumer report

in accordance with this chapter; and

(B) prohibits the consumer reporting agency from releasing the protected consumer's consumer report or any information derived from the protected consumer's consumer report except as provided in this chapter.

Sec. 8. As used in this chapter, "sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer and includes:

(1) an order issued by a court of law;

(2) a lawfully executed and valid power of attorney; or

(3) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

Sec. 9. As used in this chapter, "sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protective consumer and includes:

(1) a Social Security number or a copy of a Social Security card issued by the Social Security Administration;

(2) a certified or official copy of a birth certificate issued by an entity authorized to issue the birth certificate; or

(3) a copy of a valid state issued driver's license, a valid state issued identification card, or any valid government issued identification.

Sec. 10. This chapter does not apply to the use of a protected consumer's consumer report or record by:

(1) a person administering a credit file monitoring subscription service to which:

(A) the protected consumer has subscribed; or

(B) the representative of the protected consumer has subscribed on behalf of the protected consumer;

(2) a person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's consumer report on request of the protected consumer or the protected consumer's representative;

(3) a check services or fraud prevention services company that issues:

(A) reports on incidents of fraud; or

(B) authorizations for the purpose of approving, or processing negotiable instruments, electronic funds transfers, or similar payment methods;

(4) a deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution;

(5) an insurance company for the purpose of conducting its ordinary business;

(6) a consumer reporting agency that:

(A) acts only to resell credit information by assembling and merging information contained in a data base of another consumer reporting agency or multiple consumer reporting agencies; and

(B) does not maintain a permanent data base of credit information from which new credit reports are produced; or

(7) a consumer reporting agency's database or file that consists of the following information concerning, and used for, one (1) or more of the following, but not for credit granting purposes:

(A) Criminal record information.

(B) Fraud protection or detection.

(C) Personal loss history information.

(D) Employment, tenant, or individual background screening.

Sec. 11. (a) A consumer reporting agency shall place a security freeze on a protected consumer's consumer report if:

(1) the consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

(2) the protected consumer's representative:

(A) submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(B) provides to the consumer reporting agency sufficient

proof of identification of the protected consumer and the representative; and

(C) provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

(3) the protected consumer's representative pays to the consumer reporting agency a fee as provided in section 17 of this chapter.

(b) If a consumer reporting agency does not have a consumer report pertaining to a protected consumer when the consumer reporting agency receives a request under subsection (a), the consumer reporting agency shall create a record for the protected consumer.

Sec. 12. Not later than thirty (30) days after receiving a request that meets the requirements of section 11(a) of this chapter, a consumer reporting agency shall place a security freeze for the protected consumer.

Sec. 13. Unless a security freeze for a protected consumer is removed in accordance with section 16 of this chapter, a consumer reporting agency may not release:

(1) the protected consumer's consumer report;

(2) any information derived from the protected consumer's consumer report; or

(3) any record created for the protected consumer under section 11(b) of this chapter.

Sec. 14. A security freeze for a protected consumer must remain in effect until:

(1) the protected consumer or the protected consumer's representative requests that the consumer reporting agency remove the security freeze under section 15 of this chapter; or

(2) the security freeze is removed in accordance with section 16 of this chapter.

Sec. 15. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

(1) submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer

reporting agency;

(2) provide to the consumer reporting agency:

(A) in the case of a request by a protected consumer:

(i) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protective consumer is no longer valid; and

(ii) sufficient proof of identification of the protected consumer; or

(B) in the case of a request by the representative of a protected consumer:

(i) sufficient proof of identification of the protected consumer and the representative; and

(ii) sufficient proof of authority to act on behalf of the protected consumer; and

(3) pay to the consumer reporting agency a fee as provided in section 17 of this chapter.

Sec. 16. Not later than thirty (30) days after receiving a request that meets the requirements of section 15 of this chapter, the consumer reporting agency shall remove the security freeze for the protected consumer.

Sec. 17. (a) Except as provided in subsection (b), a consumer reporting agency may not impose a fee for any service described in this chapter.

(b) A consumer reporting agency may charge a reasonable fee, not exceeding five dollars ($5), for each placement or removal of a security freeze under this chapter.

(c) A consumer reporting agency may not charge a fee under this chapter if:

(1) the protected consumer's representative:

(A) has obtained a police report or affidavit of alleged identity fraud against the protected consumer; and

(B) provides a copy of the report or affidavit to the consumer reporting agency; or

(2) a request for the placement or removal of a security freeze is for a protected consumer who is less than sixteen (16) years of age at the time of the request and the consumer reporting agency has a consumer report concerning the protected consumer.

Sec. 18. A consumer reporting agency may remove a security

freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

Sec. 19. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

ACTS 2014

Laws enacted by the

118th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2014)

VOLUME II

(P.L.66-2014 through P.L.129-2014)

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

Office of Code Revision
Legislative Services Agency

P.L.66-2014
[S.422. Approved March 24, 2014.]

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

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

SECTION 1. IC 4-6-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The attorney general shall establish a homeowner protection unit to enforce IC 24-9, **to operate the tax sale blight registry,** and to carry out this chapter.

SECTION 2. IC 4-6-12-3, AS AMENDED BY P.L.231-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) ~~Beginning July 1, 2005,~~ The unit shall do the following:

(1) Investigate deceptive acts in connection with mortgage lending.

(2) Investigate violations of IC 24-9.

(3) Institute appropriate administrative and civil actions to redress:

(A) deceptive acts in connection with mortgage lending; and

(B) violations of IC 24-5-0.5 and IC 24-9.

(4) Cooperate with federal, state, and local law enforcement agencies in the investigation of the following:

(A) Deceptive acts in connection with mortgage lending.

(B) Criminal violations involving deceptive acts in connection with mortgage lending.

(C) Violations of IC 24-5-0.5 and IC 24-9.

(D) Violations of:

(i) the federal Truth in Lending Act (15 U.S.C. 1601 et seq.);

(ii) the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.); and

(iii) any other federal laws or regulations concerning mortgage lending.

To the extent authorized by federal law, the unit may enforce compliance with the federal statutes or regulations described in this clause or refer suspected violations of the statutes or regulations to the appropriate federal regulatory agencies.

(5) Enforce violations of IC 32-25.5-3 by homeowners associations.

(6) Beginning July 1, 2015, operate and maintain the tax sale blight registry established by section 3.6 of this chapter.

(b) The attorney general shall adopt rules under IC 4-22-2 to the extent necessary to organize the unit.

SECTION 3. IC 4-6-12-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.6. (a) Beginning July 1, 2015, the unit shall establish a registry of persons described in IC 6-1.1-24-5.3 who are prohibited from purchasing certain properties at a tax sale.**

(b) The registry described in subsection (a) is named the tax sale blight registry.

(c) The tax sale blight registry:

(1) shall be made available in an electronic format or over the Internet to county officials responsible for conducting tax sales to ensure that persons not permitted to participate in the tax sale are excluded; and

(2) may be made available to the public in a form to be determined by the attorney general; however, confidential information, if any, must be excluded.

(d) Notwithstanding subsection (c)(2), information contained in the tax sale blight registry that is not otherwise confidential is a public record for purposes of IC 5-14-3.

SECTION 4. IC 4-6-12-4, AS AMENDED BY P.L.1-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following may cooperate with the unit to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate licensing boards with respect to persons licensed under IC 25.

(2) The department of financial institutions.

(3) The department of insurance with respect to the sale of insurance in connection with mortgage lending.

(4) The securities division of the office of the secretary of state.

(5) The supreme court disciplinary commission with respect to attorney misconduct.

(6) The Indiana housing and community development authority.

(7) The department of state revenue.

(8) The state police department.

(9) A prosecuting attorney.

(10) Local law enforcement agencies.

(11) The lieutenant governor.

(12) The county auditor.

(13) The county treasurer.

(14) The county recorder.

(b) Notwithstanding IC 5-14-3, the entities listed in subsection (a) may share information with the unit.

SECTION 5. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year in which a tax sale will be held in a county and not later than fifty-one (51) days after the first tax payment due date in that calendar year, the county treasurer ~~(or county executive, in the case of property described in subdivision (2))~~ shall certify to the county auditor a list of real property on which any of the following exist:

(1) ~~In the case of real property other than real property described in subdivision (2),~~ Any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10 and the delinquent property tax or special assessments due exceed twenty-five dollars ($25).

~~(2) In the case of real property for which a county executive has certified to the county auditor that the real property is:~~

~~(A) vacant; or~~

~~(B) abandoned;~~

~~any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under~~

~~IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made. The executive of a city or town may provide to the county executive of the county in which the city or town is located a list of real property that the city or town has determined to be vacant or abandoned. The county executive shall include real property included on the list provided by a city or town executive on the list certified by the county executive to the county auditor under this subsection.~~

~~(3)~~ **(2)** Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Except as provided in section 1.2 or another provision of this chapter, the taxpayer's property shall remain on the list. The list must:

(1) describe the real property by parcel number and common address, if any;

(2) for a tract or item of real property with a single owner, indicate the name of the owner; and

(3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 6. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

(1) In a county not containing a consolidated city, the county executive or the county executive's designee.

(2) In a county containing a consolidated city, the executive of the consolidated city.

(b) The county executive **or an executive of a city or town** may, **after obtaining an order under IC 32-30-10.6 that real property is vacant or abandoned and providing either the notice required by IC 32-30-10.6-6 or section 2.3 of this chapter,** ~~designate the real property on the list prepared under section 4.5(b) of this chapter that is eligible for listing on the list prepared under subsection (c).~~

~~(c) The county executive shall prepare a list of properties designated under subsection (b) and~~ certify ~~the~~ **a** list **of vacant or abandoned property** to the county auditor. ~~no later than sixty-one (61) days prior to the earliest date on which application for judgment and order for sale may be made.~~

~~(d)~~ **(c)** Upon receiving ~~the list~~ **lists** described in subsection ~~(c),~~ **(b),** the county auditor shall **do all the following:**

(1) Prepare a **combined** list of the properties certified by the ~~commission;~~ **executive of the county, city, or town.** ~~and~~

(2) Delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

(3) Provide public notice of the sale of the properties under subsection (d) at least thirty (30) days before the date of the sale, which shall be published in accordance with IC 5-3-1.

(4) Auction the property.

(5) Issue a deed to the real property to the highest bidder whose bid is at least the minimum bid specified in this section.

The minimum bid for a property at the auction under this section is the proportionate share of the actual costs incurred by the county in conducting the sale. Any amount collected from the sale of all properties under this section above the total minimum bids shall first be used to pay the costs of the county, city, or town that certified the property vacant or abandoned for title search and court proceedings. Any amount remaining from the sale shall be certified by the county treasurer to the county auditor for distribution to other taxing units during settlement.

(d) Notice of the sale under this section must contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder.

(3) A statement that the tracts or real property will not be sold for less than an amount equal to actual proportionate costs incurred by the county that are directly attributable to the abandoned property sale.

(4) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(5) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(6) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(7) A statement that the sale will take place at the times and dates designated in the notice.

Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

SECTION 7. IC 6-1.1-24-2, AS AMENDED BY P.L.56-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) the greater of twenty-five dollars ($25) or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ~~ten~~ **five** percent ~~(10%)~~ **(5%)** per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ~~ten~~ **five** percent ~~(10%)~~ **(5%)** per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the

county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(7) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be:

(i) filed with the court; and

(ii) served on the county auditor and the county treasurer;

before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the county auditor and the county treasurer are entitled to receive all pleadings, motions, petitions, and other filings related to the defense to the application for judgment.

(D) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.

(15) With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances in which penalties on the delinquent taxes and special assessments will be waived.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next

installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 8. IC 6-1.1-24-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. (a) This section applies to a property that has been certified as vacant or abandoned under section 1.5 of this chapter.**

(b) If a notice was not sent with regard to a tract or real property as permitted by IC 32-30-10.6-6, a notice shall be sent to the owner of record and to any person with a substantial property interest of public record in the tract or real property at least one hundred twenty (120) days before the date of the certification under section 1.5 of this chapter. The notice must contain at least the following:

(1) A statement that an abandoned property sale will be held on or after a specified date.

(2) A description of the tract or real property to be sold.

(3) A statement that any person may redeem the tract or real property at or before the abandoned property sale.

(4) The components of the amount required to redeem the tract or real property.

(5) A statement that if the property is not redeemed, a tax deed may be issued to the purchaser.

(6) The street address, if any, or a common description of the tract or real property.

(7) The key number or parcel number of the tract or real property.

(c) A notice under this section must include not more than one (1) tract or item of real property listed to be sold in one (1)

description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts of real property that are owned by that person may be included in one (1) notice.

(d) A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

(e) The notice required by this section is considered sufficient if the notice is mailed to the last address of the owner for the property, as indicated in the records of the county auditor, and any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest.

(f) The notice under this section is not required for persons in possession not shown in the public records.

SECTION 9. IC 6-1.1-24-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5.1. A business entity that seeks to register to bid at a tax sale must provide a certificate of good standing or authority from the secretary of state to the county treasurer.**

SECTION 10. IC 6-1.1-24-5.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5.4. (a) This section applies to the following:**

(1) A foreign business association that:

(A) has not obtained a certificate of authority from, or registered with, the secretary of state in accordance with the procedures described in IC 23, as applicable; or

(B) has obtained a certificate of authority from, or registered with, the secretary of state in accordance with the procedures described in IC 23, as applicable, but is not in good standing in Indiana as determined by the secretary of state.

(2) A person who is an agent of a person described in this subsection.

(b) As used in this section, "foreign business association" means a corporation, professional corporation, nonprofit corporation, limited liability company, partnership, or limited partnership that

is organized under the laws of another state or another country.

(c) A person subject to this section may not purchase a tract offered for sale under section 5 or 6.1 of this chapter. However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.

(d) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited under this section, the county treasurer shall:

(1) notify the person in writing that the sale is subject to forfeiture within thirty (30) days of the notice if:

(A) the person does not obtain a certificate of authority, or register with, the secretary of state in accordance with the procedures described in IC 23, as applicable; or

(B) the person does not otherwise cure the noncompliance that is the basis of the person's failure to be in good standing in Indiana as determined by the secretary of state;

(2) if the person does not meet the conditions described in subdivision (1) within thirty (30) days after the notice, refund the surplus amount of the person's bid to the person; and

(3) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(e) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

(1) prepare a written statement explaining the reasons for declining to forfeit the sale; and

(2) retain the written statement as an official record.

(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall

deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

SECTION 11. IC 6-1.1-24-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) The county fiscal body may adopt an ordinance requiring every person who wishes to participate in a tax sale as a bidder to pay a paddle fee.**

(b) A paddle fee adopted under subsection (a) may not exceed:

(1) twenty-five dollars ($25) for a person who:

(A) attends no more than one (1) tax sale in the county in any calendar year; and

(B) purchases no more than one (1) property or tax sale certificate; or

(2) one hundred dollars ($100).

(c) A person may be required to pay the twenty-five dollar ($25) paddle fee even if the person does not purchase a property or tax sale certificate.

(d) A person who purchases a one hundred dollar ($100) paddle fee is permitted to participate as a bidder in as many tax sales as are offered in the county in the calendar year, and may purchase more than one (1) property or tax sale certificate.

(e) The treasurer shall deposit the paddle fee in the county general fund not later than thirty (30) days after the conclusion of the tax sale. The proceeds of the paddle fee may be used only to:

(1) defray the expenses of the tax sale; or

(2) reduce the number of vacant and abandoned houses, including rehabilitation, demolition, and foreclosure prevention and counseling.

SECTION 12. IC 6-1.1-25-2, AS AMENDED BY P.L.56-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The total amount of money required for the redemption of real property equals:

(1) the sum of the amounts prescribed in subsections (b) through (f); or

(2) the amount prescribed in subsection (g);

reduced by any amounts held in the name of the taxpayer or the

purchaser in the tax sale surplus fund.

(b) Except as provided in subsection (g), the total amount required for redemption includes:

(1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or

(2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if: the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus ~~ten~~ **five** percent ~~(10%)~~ **(5%)** per annum on the amount by which the purchase price exceeds the minimum bid on the property.

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus ten percent (10%) interest per annum on those taxes and special assessments.

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued

after the sale.

(g) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (f), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 13. IC 6-1.1-25-4, AS AMENDED BY P.L.118-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The period for redemption of real property sold under IC 6-1.1-24 **except for IC 6-1.1-24-1.5** is:

(1) one (1) year after the date of sale; **or**

(2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1. ~~or (3) one hundred twenty (120) days after the date of sale of real property on the list prepared under IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5,~~

(b) Subject to subsection (l) and IC 6-1.1-24-9(d), the period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county executive acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is sold under IC 6-1.1-24;

is one hundred twenty (120) days after the date of sale of the certificate of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale, and file the canceled certificate in the office of the county auditor. If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5 is not received, the county auditor shall issue a deed to the real property, subject to this chapter.

(e) When a deed is issued to a county executive under this chapter, the taxes and special assessments for which the real property was

offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (e). However, subject to subsection (g), the estate is subject to:

(1) all easements, covenants, declarations, and other deed restrictions shown by public records;

(2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and

(3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter for real property sold in a tax sale:

(1) does not operate to extinguish an easement recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located, regardless of whether the easement was taxed under this article separately from the real property; and

(2) conveys title subject to all easements recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located.

(h) A tax deed executed under this chapter is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(i) A county auditor is not required to execute a deed to the county executive under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the

fair market value of the property. The county executive may enter the property to conduct environmental investigations.

(j) If the county executive makes the determination under subsection (i) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk, following the procedures in IC 6-1.1-23-9. After the date of the county treasurer's certification, the certified amount is subject to collection as delinquent personal property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(k) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between:

(1) the amount of:

(A) the last minimum bid under IC 6-1.1-24-5; **plus**

(B) any penalty associated with a delinquency that was not due until after the date of the sale under IC 6-1.1-24-5 but is due before the issuance of the certificate of sale, with respect to taxes included in the minimum bid that were not due at the time of the sale under IC 6-1.1-24-5;

(2) the amount paid for the certificate of sale.

(l) If a tract or item of real property did not sell at a tax sale and the county treasurer and the owner of real property agree before the expiration of the period for redemption under subsection (b) to a mutually satisfactory arrangement for the payment of the entire amount required for redemption under section 2 of this chapter before the expiration of a period for redemption extended under this subsection:

(1) the county treasurer may extend the period for redemption; and

(2) except as provided in subsection (m), the extended period for redemption expires one (1) year after the date of the agreement.

(m) If the owner of real property fails to meet the terms of an agreement entered into with the county treasurer under subsection (l), the county treasurer may terminate the agreement after providing thirty (30) days written notice to the owner. If the county treasurer gives

notice under this subsection, the extended period for redemption established under subsection (l) expires thirty (30) days after the date of the notice.

SECTION 14. IC 6-1.1-25-4.5, AS AMENDED BY P.L.169-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in subsection (d), a purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold only if:

(1) the redemption period specified in section 4(a)(1) of this chapter has expired;

(2) the property has not been redeemed within the period of redemption specified in section 4(a) of this chapter; and

(3) not later than ~~nine (9)~~ **six (6)** months after the date of the sale:

(A) the purchaser or the purchaser's assignee; or

(B) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor;

gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record in the tract or real property.

(b) A county executive is entitled to a tax deed to property on which the county executive acquires a lien under IC 6-1.1-24-6 and for which the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:

(1) the redemption period specified in section 4(b) of this chapter has expired;

(2) the property has not been redeemed within the period of redemption specified in section 4(b) of this chapter; and

(3) not later than ninety (90) days after the date the county executive acquires the lien under IC 6-1.1-24-6, the county auditor gives notice of the sale to:

(A) the owner of record at the time the lien was acquired; and

(B) any person with a substantial property interest of public record in the tract or real property.

(c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is entitled to a tax deed to the property for which the certificate was sold only if:

(1) the redemption period specified in section 4(c) of this chapter has expired;

(2) the property has not been redeemed within the period of redemption specified in section 4(c) of this chapter; and

(3) not later than ninety (90) days after the date of sale of the certificate of sale under IC 6-1.1-24, the purchaser gives notice of the sale to:

(A) the owner of record at the time of the sale; and

(B) any person with a substantial property interest of public record in the tract or real property.

(d) The person required to give the notice under subsection (a), (b), or (c) shall give the notice by sending a copy of the notice by certified mail to:

(1) the owner of record at the time of the:

(A) sale of the property;

(B) acquisition of the lien on the property under IC 6-1.1-24-6; or

(C) sale of the certificate of sale on the property under IC 6-1.1-24;

at the last address of the owner for the property, as indicated in the records of the county auditor; and

(2) any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest.

However, if the address of the person with a substantial property interest of public record is not indicated in the public record that created the interest and cannot be located by ordinary means by the person required to give the notice under subsection (a), (b), or (c), the person may give notice by publication in accordance with IC 5-3-1-4 once each week for three (3) consecutive weeks.

(e) The notice that this section requires shall contain at least the following:

(1) A statement that a petition for a tax deed will be filed on or after a specified date.

(2) The date on or after which the petitioner intends to petition for a tax deed to be issued.

(3) A description of the tract or real property shown on the certificate of sale.

(4) The date the tract or real property was sold at a tax sale.

(5) The name of the:

(A) purchaser or purchaser's assignee;

(B) county executive that acquired the lien on the property under IC 6-1.1-24-6; or

(C) person that purchased the certificate of sale on the property under IC 6-1.1-24.

(6) A statement that any person may redeem the tract or real property.

(7) The components of the amount required to redeem the tract or real property.

(8) A statement that an entity identified in subdivision (5) is entitled to reimbursement for additional taxes or special assessments on the tract or real property that were paid by the entity subsequent to the tax sale, lien acquisition, or purchase of the certificate of sale, and before redemption, plus interest.

(9) A statement that the tract or real property has not been redeemed.

(10) A statement that an entity identified in subdivision (5) is entitled to receive a deed for the tract or real property if it is not redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(11) A statement that an entity identified in subdivision (5) is entitled to reimbursement for costs described in section 2(e) of this chapter.

(12) The date of expiration of the period of redemption specified in section 4 of this chapter.

(13) A statement that if the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

(14) The street address, if any, or a common description of the tract or real property.

(15) The key number or parcel number of the tract or real property.

(f) The notice under this section must include not more than one (1) tract or item of real property listed and sold in one (1) description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts or real property that are owned by that person may be included in one (1) notice.

(g) A single notice under this section may be used to notify joint

owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

(h) The notice required by this section is considered sufficient if the notice is mailed to the address required under subsection (d).

(i) The notice under this section and the notice under section 4.6 of this chapter are not required for persons in possession not shown in the public records.

(j) If the purchaser fails to:

(1) comply with subsection (c)(3); or

(2) petition for the issuance of a tax deed within the time permitted under section 4.6(a) of this chapter;

the certificate of sale reverts to the county executive and may be retained by the county executive or sold under IC 6-1.1-24-6.1.

SECTION 15. IC 6-1.1-25-4.6, AS AMENDED BY P.L.118-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than ~~six (6)~~ **three (3)** months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

(1) The time of redemption has expired.

(2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.

(3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, **or with respect to penalties described in section 4(k) of this chapter,** all taxes and special assessments, penalties, and costs have been paid.

(4) The notices required by this section and section 4.5 of this chapter have been given.

(5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if:

(1) the verified petition referred to in subsection (a) is timely filed; and

(2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

the court shall order the return of the amount, if any, by which the purchase price exceeds the minimum bid on the property under

IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

(1) the verified petition referred to in subsection (a) is timely filed;

(2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements;

(3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and

(4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price or any part of the purchase price if:

(1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and

(2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an

estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 16. IC 6-1.1-25-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) If, before the court issues an order directing the county auditor to issue a tax deed to a tract or item of real property sold under IC 6-1.1-24, it is found by the county auditor and the county treasurer that the sale was invalid, the county auditor shall refund:

(1) the purchase money and all taxes and special assessments on the property paid by the purchaser, the purchaser's assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 after the tax sale plus ~~six~~ **five** percent ~~(6%)~~ **(5%)** interest per annum; and

(2) subject to any limitation under section 2.5 of this chapter, any costs paid by the purchaser, the purchaser's assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 under section 2 of this chapter;

from the county treasury to the purchaser, the purchaser's successors or assigns, or the purchaser of the certificate of sale under IC 6-1.1-24. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24-6.

(b) A political subdivision shall reimburse the county for interest paid by the county under subsection (a) if:

(1) the invalidity of the sale under IC 6-1.1-24 resulted from the failure of the political subdivision to give adequate notice of a lien to property owners; and

(2) the existence of the lien resulted in the sale of the property under IC 6-1.1-24.

SECTION 17. IC 6-1.1-25-11, AS AMENDED BY P.L.73-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Subsequent to the issuance of the order directing the county auditor to issue a tax deed to real property sold under IC 6-1.1-24, a county auditor shall refund the purchase money plus ~~six~~ **five** percent ~~(6%)~~ **(5%)** interest per annum from the county treasury to the purchaser, the purchaser's successors or assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 if it is found by the court that entered the order for the tax deed that:

(1) the real property described in the deed was not subject to the taxes for which it was sold;

(2) the delinquent taxes or special assessments for which the real property was sold were properly paid before the sale; or

(3) the legal description of the real property in the tax deed is void for uncertainty.

(b) The grantee of an invalid tax deed, including the county, to whom a refund is made under this section shall execute, acknowledge, and deliver to the owner a deed conveying whatever interest the purchaser may have acquired by the tax sale deed. If a county is required to execute a deed under this section, the deed shall be signed by the county board of commissioners and acknowledged by the clerk of the circuit court.

(c) A refund may not be made under this section while an action initiated under either section 14 or 16 of this chapter is pending.

(d) If a sale is declared invalid after a claim is submitted under IC 6-1.1-24-7 for money deposited in the tax sale surplus fund and the claim is paid, the county auditor shall:

(1) refund the purchase money plus ~~six~~ **five** percent ~~(6%)~~ **(5%)** interest per annum from the county treasury to the purchaser, the purchaser's successors or assigns, or the purchaser of the certificate of sale under IC 6-1.1-24; and

(2) certify the amount paid to the property owner from the tax sale surplus fund as a lien against the property and as a civil judgment

against the property owner.

SECTION 18. IC 6-1.1-25-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. A county auditor who executes a tax deed under this chapter shall provide a copy of the tax deed to the grantee. The county auditor shall collect from the grantee the appropriate recording fee set forth in IC 36-2-7-10 on behalf of the county recorder and submit the tax deed directly to the county recorder for recording. The county recorder shall record the tax deed in the deed records and provide the recorded tax deed to the grantee in the normal course of business. Notwithstanding IC 6-1.1-5.5-3, a sales disclosure form for such a property satisfies the requirements of IC 6-1.1-5.5 if only the county auditor signs the form.**

SECTION 19. IC 32-29-7-3, AS AMENDED BY P.L.102-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) In a proceeding for the foreclosure of a mortgage executed on real estate, process may not issue for the execution of a judgment or decree of sale for a period of three (3) months after the filing of a complaint in the proceeding. However:

(1) the period is:

(A) twelve (12) months in a proceeding for the foreclosure of a mortgage executed before January 1, 1958; and

(B) six (6) months in a proceeding for the foreclosure of a mortgage executed after December 31, 1957, but before July 1, 1975; and

(2) if the court finds under IC 32-30-10.6 that the mortgaged real estate has been abandoned, a judgment or decree of sale may be executed on the date the judgment of foreclosure or decree of sale is entered, regardless of the date the mortgage is executed.

(b) A judgment and decree in a proceeding to foreclose a mortgage that is entered by a court having jurisdiction may be filed with the clerk in any county as provided in IC 33-32-3-2. After the period set forth in subsection (a) expires, a person who may enforce the judgment and decree may file a praecipe with the clerk in any county where the judgment and decree is filed, and the clerk shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court. However, if:

(1) a praecipe is not filed with the clerk within one hundred eighty (180) days after the later of the dates on which:

(A) the period specified in subsection (a) expires; or

(B) the judgment and decree is filed; and

(2) the sale is not:

(A) otherwise prohibited by law;

(B) subject to a voluntary statewide foreclosure moratorium; or

(C) subject to a written agreement that:

(i) provides for a delay in the sale of the mortgaged real estate; and

(ii) is executed by and between the owner of the mortgaged real estate and a party entitled to enforce the judgment and decree;

an enforcement authority that has issued an abatement order under IC 36-7-36-9 with respect to the mortgaged real estate may file a praecipe with the clerk in any county where the judgment and decree is filed. If an enforcement authority files a praecipe under this subsection, the clerk of the county in which the praecipe is filed shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court.

(c) Upon receiving a certified judgment under subsection (b), the sheriff shall, subject to section 4 of this chapter, sell the mortgaged premises or as much of the mortgaged premises as necessary to satisfy the judgment, interest, and costs at public auction at the office of the sheriff or at another location that is reasonably likely to attract higher competitive bids. The sheriff shall schedule the date and time of the sheriff's sale for:

(1) a date not later than one hundred twenty (120) days after the date on which the judgment and decree under seal of the court are certified to the sheriff by the clerk; and

(2) a time certain between the hours of 10 a.m. and 4 p.m. on any day of the week except Sunday.

(d) Before selling mortgaged property, the sheriff must advertise the sale by publication once each week for three (3) successive weeks in a daily or weekly newspaper of general circulation. The sheriff shall publish the advertisement in at least one (1) newspaper published and circulated in each county where the real estate is situated. The first

publication shall be made at least thirty (30) days before the date of sale. At the time of placing the first advertisement by publication, the sheriff shall also serve a copy of the written or printed notice of sale upon each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars ($10) to one (1) owner and three dollars ($3) to each additional owner for service of written notice under this subsection. The fee is:

(1) a cost of the proceeding;

(2) to be collected as other costs of the proceeding are collected; and

(3) to be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

(e) The sheriff also shall post written or printed notices of the sale at the door of the courthouse of each county in which the real estate is located.

(f) If the sheriff is unable to procure the publication of a notice within the county, the sheriff may dispense with publication. The sheriff shall state that the sheriff was not able to procure the publication and explain the reason why publication was not possible.

(g) Notices under subsections (d), ~~and~~ (e), **and (i)** must contain a statement, for informational purposes only, of the location of each property by street address, if any, or other common description of the property other than legal description. A misstatement in the informational statement under this subsection does not invalidate an otherwise valid sale.

(h) The sheriff may charge an administrative fee of not more than two hundred dollars ($200) with respect to a proceeding referred to in subsection (b) for actual costs directly attributable to the administration of the sale under subsection (c). The fee is:

(1) payable by the person seeking to enforce the judgment and decree; and

(2) due at the time of filing of the praecipe;

under subsection (b).

(i) If a sale of mortgaged property scheduled under this section is canceled, the sheriff shall provide written notice of the cancellation to each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial

Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars ($10) for notice to one (1) owner and three dollars ($3) for notice to each additional owner for service of written notice under this subsection. The fee:

(1) is a cost of the proceeding;

(2) shall be collected as other costs of the proceeding are collected; and

(3) shall be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

The fee for service under this subsection shall be paid by the person who caused the sale to be canceled.

SECTION 20. IC 32-30-10.6-1, AS AMENDED BY P.L.203-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies to the following:

(1) A mortgage foreclosure action filed under IC 32-30-10-3.

(2) A determination that property is abandoned or vacant for purposes of IC 6-1.1-24 **or IC 34-30-26-7.**

SECTION 21. IC 32-30-10.6-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. As used in this chapter, "executive of a county" in a county containing a consolidated city means the executive of the consolidated city.**

SECTION 22. IC 32-30-10.6-3.5, AS ADDED BY P.L.203-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) This section applies to a property whether or not there is a mortgage on the property.

(b) As an alternative to seeking a determination of abandonment under any other statute, the executive of a **county,** city, or town that:

(1) has jurisdiction in the location of a property; and

(2) does not have a person designated as a hearing authority, as defined by IC 36-7-9-2;

may petition a court for a determination that the property is abandoned.

(c) A petition filed with the court under this section must do all the following:

(1) Include a statement of the enforcement authority's jurisdiction in the location of the property.

(2) Allege that the property is abandoned.

(3) Include evidence that one (1) or more of the conditions set forth in section 5(a) or 5(b) of this chapter apply.

(d) A petition under this section shall be served on:

(1) the creditor and the debtor, if the property is subject to a mortgage; and

(2) any other appropriate party;

in the manner prescribed by the Indiana Rules of Trial Procedure.

SECTION 23. IC 32-30-10.6-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) This section applies only to a petition by the executive of a county, city, or town for a court order of abandonment.**

(b) Instead of providing notice at least one hundred twenty (120) days before the date of a certification under IC 6-1.1-24-1.5, the executive of the county, city, or town that is filing the petition may provide the notice referred to IC 6-1.1-24-2.3 at least one hundred twenty (120) days before a petition is filed under section 3.5 of this chapter.

(c) A court order of abandonment under this chapter authorizes the sale of the property and transfer of the deed of the property under IC 6-1.1-24-1.5.

SECTION 24. IC 34-30-26-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) This section applies to real property for which a city, town, or county has obtained a judgment under IC 32-30-10.6 that the real property is:**

(1) vacant; or

(2) abandoned;

due to a request for a determination by an enforcement authority.

(b) A city, town, or county may provide a potential purchaser or a potential lender to a person who may want to purchase the real property an opportunity to visually inspect the real property, if accompanied by the appropriate enforcement authority. The appropriate enforcement authority may accompany the person in inspecting the real property and may enter upon the real property, including any structure located on the real property, to visually inspect the real property to determine whether the real property may be desirable. For purposes of a visual inspection under this

section, a potential purchaser or a potential lender may not:

(1) request a utility provider or the city, town, or county to connect or turn on utilities to the real property; or

(2) physically disturb or alter the real property.

(c) An enforcement authority or a person that enters upon the premises of real property as permitted under this section:

(1) is immune from civil liability for an act or omission related to the entry, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and

(2) shall be held harmless from and against all claims of civil or criminal trespass.

SECTION 25. IC 36-7-9-2, AS AMENDED BY P.L.73-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

(1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;

(2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;

(3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;

(4) has been incorporated for at least two (2) years; and

(5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Continuous enforcement order" means an order that:

(1) is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional:

(A) compliance and abatement authority; or

(B) orders for the same or similar violations;

(2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement;

(3) can be enforced, including assessment of fees and costs,

without the need for additional notice or hearing; and

(4) authorizes the enforcement authority to assess and collect ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order.

"Department" refers to the executive department authorized by ordinance to administer this chapter. In a consolidated city, this department is the department of ~~metropolitan development,~~ **code enforcement** subject to IC 36-3-4-23.

"Enforcement authority" refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, the division of development services is the enforcement authority, subject to IC 36-3-4-23.

"Hearing authority" refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by the director is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

(1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;

(2) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or

(3) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, a lien as evidenced by a certificate of sale issued under IC 6-1.1-24, or an equitable interest of a contract purchaser, that:

(1) may be affected in a substantial way by actions authorized by this chapter; and

(2) is held by a person whose identity and address may be

determined from:

(A) an instrument recorded in:

(i) the recorder's office of the county where the unsafe premises is located; or

(ii) the office of the county auditor of the county where the unsafe premises are located in the case of a lien evidenced by a certificate of sale issued under IC 6-1.1-24;

(B) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or

(C) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

SECTION 26. IC 36-7-9-4, AS AMENDED BY P.L.66-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) For purposes of this chapter, a building or structure, or any part of a building or structure, that is:

(1) in an impaired structural condition that makes it unsafe to a person or property;

(2) a fire hazard;

(3) a hazard to the public health;

(4) a public nuisance;

(5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or

(6) vacant **or blighted** and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building.

(b) For purposes of this chapter:

(1) an unsafe building; and

(2) the tract of real property on which the unsafe building is located;

are considered unsafe premises.

(c) For purposes of this chapter, a tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered an unsafe premises if the tract of real property is:

(1) a fire hazard;

(2) a hazard to public health;

(3) a public nuisance; or

(4) dangerous to a person or property because of a violation of a statute or an ordinance.

P.L.67-2014

[H.1045. Approved March 24, 2014.]

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

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

SECTION 1. IC 25-23.5-1-5, AS AMENDED BY P.L.197-2007, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. "Practice of occupational therapy" means the ~~functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease, mental illness, a developmental deficit, the aging process, or a learning disability. The term consists primarily of the following functions:~~

~~(1) Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.~~

~~(2) Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily~~

~~living tasks and to prevent further disability.~~

therapeutic use of everyday life occupations and occupational therapy services to:

(1) aid individuals or groups to participate in meaningful roles and situations in the home, school, the workplace, the community, or other settings;

(2) promote health and wellness through research and practice; and

(3) serve individuals or groups who are well but have been or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction.

The practice of occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect a person's health, well-being, and quality of life throughout the person's life span.

SECTION 2. IC 25-23.5-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.5. "Occupational therapy services" means services that are provided to promote health and wellness, prevent disability, preserve functional capabilities, prevent barriers for occupational performance from occurring, and enable or improve performance in everyday activities, including services that do the following:**

(1) Establish, remediate, or restore a skill or ability that is impaired or not yet developed. Occupational therapy services include identifying speech, language, and hearing that are impaired or not yet developed, but does not include the remediation of speech, language, and hearing skills and abilities.

(2) Modify or adapt a person or an activity or environment of a person or compensate for a loss of a person's functions.

(3) Evaluate factors that affect daily living activities, instrumental activities of daily living, and other activities relating to work, play, leisure, education, and social participation. These factors may include body functions, body structure, habits, routines, role performance, behavior patterns, sensory motor skills, cognitive skills, communication

and interaction skills, and cultural, physical, psychosocial, spiritual, developmental, environmental, and socioeconomic contexts and activities that affect performance.

(4) Perform interventions and procedures relating to the factors described in subdivision (3), including the following:

(A) Task analysis and therapeutic use of occupations, exercises, and activities.

(B) Education and training in self-care, self-management, home management, and community or work reintegration.

(C) Care coordination, case management, transition, and consultative services.

(D) Modification of environments and adaptation processes, including the application of ergonomic and safety principles.

(E) Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive devices, and orthotic devices, and training in the use of prosthetic devices. However, this does not include the following:

(i) Gait training.

(ii) Training in the use of hearing aids, tracheoesophageal valves, speaking valves, or electrolarynx devices related to the oral production of language.

(iii) Remediation of speech, language, and hearing disorders.

(iv) Fabrication of shoe inserts.

(F) Assessment, recommendation, and training in techniques to enhance safety, functional mobility, and community mobility, including wheelchair management and mobility. However, this does not include gait training.

(G) Management of feeding, eating, and swallowing to enable eating and feeding performance.

(H) Application of physical agent modalities and use of a range of specific therapeutic procedures used in preparation for or concurrently with purposeful and occupation based activities, including techniques to enhance sensory-motor, perceptual, and cognitive processing, manual therapy techniques, and adjunctive and preparatory activities for occupational performance.

However, manual therapy does not include spinal manipulation, spinal adjustment, or grade 5 mobilization.

SECTION 3. IC 25-23.5-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 4. Occupational Therapy Services and Referrals

Sec. 1. If an occupational therapist performs an evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the occupational therapist shall promptly refer the patient to an individual licensed under IC 25-22.5.

Sec. 2. (a) An occupational therapist may assess and manage the pharyngoesophageal phase of swallowing, including instrumental evaluations, only if the occupational therapist has done the following:

(1) Obtained continuing competency specific to the assessment and management of swallowing disorders.

(2) Demonstrated competencies specific to the evaluation and management of pharyngoesophageal swallowing disorders within the practitioner's service delivery setting and with the specific populations through, at a minimum:

(A) professional development or similar advanced training;

(B) successful passage of a written test; and

(C) demonstrated clinical skills and knowledge.

(b) The competencies required under subsection (a)(2) must be annually reviewed and updated.

SECTION 4. IC 25-23.5-5-1, AS AMENDED BY P.L.197-2011, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A person who applies for a license as an occupational therapist or an occupational therapy assistant must present satisfactory evidence to the committee that the person:

(1) does not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;

(2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as an occupational therapist or occupational therapy assistant without endangering the public;

(3) has:

(A) before July 1, 2006, graduated from a school or program of occupational therapy or a program for occupational therapy assistants approved by the board; ~~and~~ **or**

(B) after June 30, 2006, graduated:

(i) with a master's degree or its equivalent from a school or program of occupational therapy; or

(ii) from a program for occupational therapy assistants; approved by the board;

(4) has passed an occupational therapist or occupational therapy assistant licensing examination approved by the board under section 4.5 of this chapter; **and**

(5) has met the clinical experience requirements established by the board.

(b) Notwithstanding subsection (a), an occupational therapist who received an initial license in occupational therapy before July 1, 2006, is not required to meet the requirements under subsection (a)(3)(B) or (a)(5).

SECTION 5. IC 25-35.6-1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 11. A speech-language pathologist may assess and manage the pharyngoesophageal phase of swallowing, including instrumental evaluations, only if the speech-language pathologist has demonstrated competencies specific to the evaluation and management of pharyngoesophageal swallowing disorders through the successful passage of a written test.**

P.L.68-2014
[H.1061. Approved March 24, 2014.]

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

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

SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.134-2008, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this article:

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which ~~he~~ **the licensed dentist** practices the profession of dentistry and who employs at least one (1) **licensed** dentist or dental hygienist to supplement ~~his~~ **the licensed dentist's** operation and conduct of ~~his~~ **the licensed dentist's** dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement ~~his~~ **the proprietor dentist's** dental service to ~~his~~ **the proprietor dentist's** clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile

health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

(1) the dental hygienist has completed at least two (2) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive oral examination and any appropriate care in the previous seven (7) months; and

(ii) issued written authority for the care to be provided in a dental office; and

(iii) notified the patient that the licensed dentist will not be present when the dental hygienist is providing the patient care; or

(B) has:

(i) in a setting other than a dental office, provided the patient with a comprehensive oral examination; and

(ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive oral examination, a written prescription that is valid for forty-five (45) days; and

(3) the patient has provided a current medical history.

~~examined the patient and has prescribed the patient care within the previous forty-five (45) days.~~

Nothing in subdivisions (2)(A)(i) or (2)(B)(i) prohibits a dental hygienist from providing patient care before the licensed dentist provides the comprehensive oral examination if the licensed dentist provides the comprehensive oral examination on the same day that the dental hygienist has provided the patient care.

(k) "Licensed dentist" refers to a dentist licensed under

IC 25-14.

SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.134-2008, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office, ~~or~~ clinical setting, **or health facility** ~~except as described in subdivisions (3) through (5),~~ where the dental hygienist is practicing under the direct supervision **or prescriptive supervision** of a ~~legally practicing~~ **licensed** dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.

(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting; ~~or~~

(C) correctional institution; **or**

(D) location other than one described in clauses (A) through (C);

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.

(b) A licensed dental hygienist may provide without supervision the

following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Screening and referrals for any person in a public health setting.

(c) A dental hygienist may not use a laser to provide treatment to a patient.

(d) The board may adopt rules under IC 4-22-2 concerning subsection (a)(5)(D).

(e) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the legislative council in an electronic format under IC 5-14-6 on the effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision. This subsection expires December 31, 2017.

P.L.69-2014
[H.1070. Approved March 24, 2014.]

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

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

SECTION 1. IC 4-13-1.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The ombudsman may receive, investigate, and attempt to resolve complaints that the department of correction:

(1) violated a specific law, rule, or department written policy; or

(2) endangered the health or safety of any person.

However, the ombudsman shall not investigate a complaint from an employee of the department of correction that relates to the employee's employment relationship with the department of correction.

(b) At the conclusion of an investigation of a complaint, the ombudsman shall report the ombudsman's findings to the complainant.

(c) If the ombudsman does not investigate a complaint, the ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

(d) The ombudsman shall create a monthly report that includes a summary of the findings of all substantiated complaints.

(e) The ombudsman may conduct investigations of alleged violations of department of correction policy, state or federal laws, and department of correction administrative rules at any department of correction facility.

(f) The ombudsman may recommend changes to the commissioner of the department of correction concerning department of correction policies or practices based upon information learned or observations made by the ombudsman during the course of an investigation.

(g) If the ombudsman discovers evidence that the ombudsman reasonably believes constitutes the commission of a crime, the ombudsman immediately shall, if the ombudsman considers it appropriate, inform the commissioner of the department of correction, who shall conduct an investigation. If, after conducting the investigation, the commissioner has reasonable suspicion to believe that a crime has been committed, the commissioner shall:

(1) if the crime involves any person who is not an offender, immediately report the crime to an appropriate law enforcement agency; and

(2) if no person other than an offender is involved in the crime, immediately report the crime to an appropriate law enforcement agency if the commissioner believes that the prison disciplinary process is not appropriate.

P.L.70-2014
[H.1116. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

SECTION 1. IC 7.1-3-13-2.5, AS AMENDED BY P.L.186-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. All premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued. A wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit. A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. The holder of a wine wholesaler's permit ~~issued under~~ **described in** IC 7.1-4-4.1-13(c) may enter into an agreement to:

(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or

(2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

SECTION 2. IC 7.1-3-27-6, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit for a brewery described in IC 7.1-3-2-7(5).

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's

permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C).

SECTION 3. IC 7.1-5-9-10, AS AMENDED BY SEA 236-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in:

(1) a brewer's permit for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana; **and**

(2) an artisan distiller's permit if the holder of the retailer's permit also holds a brewer's permit described in subdivision (1).

A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.

SECTION 4. IC 7.1-5-12-4, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in section 5 of this chapter, smoking is prohibited in the following:

(1) A public place.

(2) A place of employment.

(3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function.

(4) The area within eight (8) feet of a public entrance to:

(A) a public place; or

(B) a place of employment.

(b) An employer shall inform each of the employer's employees and prospective employees of the smoking prohibition applying to the place of employment.

(c) An owner, operator, manager, or official in charge of a public place or place of employment shall remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment where smoking is prohibited under this chapter. However, this subsection does not prohibit the display of ashtrays or other smoking paraphernalia that are intended only for retail sale.

(d) **This subsection does not apply to an owner, an operator, a manager, or an official in charge of a public place or place of employment in which smoking is allowed under section 5 of this chapter.** An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language.

SECTION 5. IC 7.1-5-12-5, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to either:

(i) cigar smoking; or

(ii) smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent

(10%) of the business's annual gross income was from:

(i) the sale of cigars and the rental of onsite humidors; or

(ii) the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.

(E) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i); and

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).

(7) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold ~~for~~ **in a manner that requires** consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(8) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would otherwise be subject to this chapter.

(9) A cigar manufacturing facility that does not offer retail sales.

(10) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that

cigarette smoking is prohibited.

(H) Food or beverages are not sold ~~for~~ **in a manner that requires** consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(11) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(10):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

SECTION 6. IC 14-18-2-3, AS AMENDED BY P.L.71-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

(1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold. A survey for the description is not required.

(2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.

(3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.

(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) Except as provided in ~~subsection~~ **subsections (c) and** (e), if the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

(c) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of an inn if

~~(1) the lease and contract concerns federally owned land under the control and management of the department; and~~

~~(2)~~ the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

(1) the lease and contract concerns federally owned land that is:

(A) under the control and management of the department; and

(B) located on Brookville Reservoir; and

(2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its

terms the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.

(g) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

P.L.71-2014
[H.1119. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning business and other associations.

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

SECTION 1. IC 23-19-2-2, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The following transactions are exempt from the requirements of IC 23-19-3-1 through IC 23-19-3-6 and IC 23-19-5-4:

(1) An isolated nonissuer transaction, whether effected by or through a broker-dealer or not.

(2) A nonissuer transaction by or through a broker-dealer registered, or exempt from registration under this article, and a resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, in a security of a class that has been outstanding in the hands of the public for at least ninety (90) days, if, at the date of the

transaction:

(A) the issuer of the security is engaged in business, the issuer is not in the organizational stage or in bankruptcy or receivership, and the issuer is not a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that its primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person;

(B) the security is sold at a price reasonably related to its current market price;

(C) the security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the broker-dealer as an underwriter of the security or a redistribution;

(D) a nationally recognized securities manual or its electronic equivalent designated by rule adopted or order issued under this article or a record filed with the Securities and Exchange Commission that is publicly available contains:

(i) a description of the business and operations of the issuer;

(ii) the names of the issuer's executive officers and the names of the issuer's directors, if any;

(iii) an audited balance sheet of the issuer as of a date within eighteen (18) months before the date of the transaction or, in the case of a reorganization or merger when the parties to the reorganization or merger each had an audited balance sheet, a pro forma balance sheet for the combined organization; and

(iv) an audited income statement for each of the issuer's two (2) immediately previous fiscal years or for the period of existence of the issuer, whichever is shorter, or, in the case of a reorganization or merger when each party to the reorganization or merger had audited income statements, a pro forma income statement; and

(E) any one (1) of the following requirements is met:

(i) The issuer of the security has a class of equity securities listed on a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934 or designated for trading on the National Association of

Securities Dealers Automated Quotation System.

(ii) The issuer of the security is a unit investment trust registered under the Investment Company Act of 1940.

(iii) The issuer of the security, including its predecessors, has been engaged in continuous business for at least three (3) years.

(iv) The issuer of the security has total assets of at least two million dollars ($2,000,000) based on an audited balance sheet as of a date within eighteen (18) months before the date of the transaction or, in the case of a reorganization or merger when the parties to the reorganization or merger each had such an audited balance sheet, a pro forma balance sheet for the combined organization.

(3) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article in a security of a foreign issuer that is a margin security defined in regulations or rules adopted by the Board of Governors of the Federal Reserve System.

(4) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article in an outstanding security if the guarantor of the security files reports with the Securities and Exchange Commission under the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

(5) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article in a security that:

(A) is rated at the time of the transaction by a nationally recognized statistical rating organization in one (1) of its four (4) highest rating categories; or

(B) has a fixed maturity or a fixed interest or dividend, if:

(i) a default has not occurred during the current fiscal year or within the three (3) previous fiscal years, or during the existence of the issuer and any predecessor if less than three (3) fiscal years, in the payment of principal, interest, or dividends on the security; and

(ii) the issuer is engaged in business, is not in the organizational stage or in bankruptcy or receivership, and is

not and has not been within the previous twelve (12) months a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that its primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

(6) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article effecting an unsolicited order or offer to purchase.

(7) A nonissuer transaction executed by a bona fide pledgee without the purpose of evading this article.

(8) A nonissuer transaction by a federal covered investment adviser with investments under management in excess of one hundred million dollars ($100,000,000) acting in the exercise of discretionary authority in a signed record for the account of others.

(9) A transaction in a security, whether or not the security or transaction is otherwise exempt, in exchange for one (1) or more bona fide outstanding securities, claims, or property interests, or partly in such exchange and partly for cash, if the terms and conditions of the issuance and exchange or the delivery and exchange and the fairness of the terms and conditions have been approved by the commissioner after a hearing.

(10) A transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(11) A transaction in a note, bond, debenture, or other evidence of indebtedness secured by a mortgage or other security agreement if:

(A) the note, bond, debenture, or other evidence of indebtedness is offered and sold with the mortgage or other security agreement as a unit;

(B) a general solicitation or general advertisement of the transaction is not made; and

(C) a commission or other remuneration is not paid or given, directly or indirectly, to a person not registered under this article as a broker-dealer or as an agent.

(12) A transaction by an executor, administrator of an estate,

sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(13) A sale or offer to sell to:

(A) an institutional investor;

(B) a federal covered investment adviser; or

(C) any other person exempted by rule adopted or order issued under this article.

(14) A sale or an offer to sell securities of an issuer, if the transaction is part of a single issue in which:

(A) not more than twenty-five (25) purchasers are present in this state during any twelve (12) consecutive months, other than those designated in subdivision (13);

(B) a general solicitation or general advertising is not made in connection with the offer to sell or sale of the securities;

(C) a commission or other remuneration is not paid or given, directly or indirectly, to a person other than a broker-dealer registered under this article or an agent registered under this article for soliciting a prospective purchaser in this state; and

(D) the issuer reasonably believes that all the purchasers in this state, other than those designated in subdivision (13), are purchasing for investment.

(15) A transaction under an offer to existing security holders of the issuer, including persons that at the date of the transaction are holders of convertible securities, options, or warrants, if a commission or other remuneration, other than a standby commission, is not paid or given, directly or indirectly, for soliciting a security holder in this state.

(16) An offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933 if:

(A) a registration or offering statement or similar record as required under the Securities Act of 1933 has been filed, but is not effective, or the offer is made in compliance with Rule 165 adopted under the Securities Act of 1933 (17 CFR 230.165); and

(B) a stop order of which the offeror is aware has not been issued against the offeror by the commissioner or the Securities and Exchange Commission, and an audit, inspection, or proceeding that is public and that may culminate

in a stop order is not known by the offeror to be pending.

(17) An offer to sell, but not a sale of, a security exempt from registration under the Securities Act of 1933 if:

(A) a registration statement has been filed under this article, but is not effective;

(B) a solicitation of interest is provided in a record to offerees in compliance with a rule adopted by the commissioner under this article; and

(C) a stop order of which the offeror is aware has not been issued by the commissioner under this article and an audit, inspection, or proceeding that may culminate in a stop order is not known by the offeror to be pending.

(18) A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets, or other reorganization to which the issuer, or its parent or subsidiary and the other person, or its parent or subsidiary, are parties.

(19) A rescission offer, sale, or purchase under IC 23-19-5-10.

(20) An offer or sale of a security to a person not a resident of this state and not present in this state if the offer or sale does not constitute a violation of the laws of the state or foreign jurisdiction in which the offeree or purchaser is present and is not part of an unlawful plan or scheme to evade this article.

(21) Employees' stock purchase, savings, option, profit-sharing, pension, or similar employees' benefit plan, including any securities, plan interests, and guarantees issued under a compensatory benefit plan or compensation contract, contained in a record, established by the issuer, its parents, its majority-owned subsidiaries, or the majority-owned subsidiaries of the issuer's parent for the participation of their employees including offers or sales of such securities to:

(A) directors; general partners; trustees, if the issuer is a business trust; officers; consultants; and advisers;

(B) family members who acquire such securities from those persons through gifts or domestic relations orders;

(C) former employees, directors, general partners, trustees, officers, consultants, and advisers if those individuals were

employed by or providing services to the issuer when the securities were offered; and

(D) insurance agents who are exclusive insurance agents of the issuer, or the issuer's subsidiaries or parents, or who derive more than fifty percent (50%) of their annual income from those organizations.

(22) A transaction involving:

(A) a stock dividend or equivalent equity distribution, whether the corporation or other business organization distributing the dividend or equivalent equity distribution is the issuer or not, if nothing of value is given by stockholders or other equity holders for the dividend or equivalent equity distribution other than the surrender of a right to a cash or property dividend if each stockholder or other equity holder may elect to take the dividend or equivalent equity distribution in cash, property, or stock;

(B) an act incident to a judicially approved reorganization in which a security is issued in exchange for one (1) or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash; or

(C) the solicitation of tenders of securities by an offeror in a tender offer in compliance with Rule 162 adopted under the Securities Act of 1933 (17 CFR 230.162).

(23) A nonissuer transaction in an outstanding security by or through a broker-dealer registered or exempt from registration under this article, if the issuer is a reporting issuer in a foreign jurisdiction designated by this subdivision or by rule adopted or order issued under this article; has been subject to continuous reporting requirements in the foreign jurisdiction for not less than one hundred eighty (180) days before the transaction; and the security is listed on the foreign jurisdiction's securities exchange that has been designated by this subdivision or by rule adopted or order issued under this article, or is a security of the same issuer that is of senior or substantially equal rank to the listed security or is a warrant or right to purchase or subscribe to any of the foregoing. For purposes of this subdivision, Canada, together with its provinces and territories, is a designated foreign jurisdiction and The Toronto Stock Exchange, Inc., is a designated securities

exchange. After an administrative hearing in compliance with this article, the commissioner, by rule adopted or order issued under this article, may revoke the designation of a securities exchange under this subdivision, if the commissioner finds that revocation is necessary or appropriate in the public interest and for the protection of investors.

(24) An offer to sell or a sale of a security of an issuer under an offering made and completed solely within Indiana, if:

(A) the transaction is part of a single issue in which:

(i) not more than twenty-five (25) purchasers are present in Indiana during any twelve (12) consecutive months, other than those designated in subdivision (13);

(ii) general solicitation or general advertising is not made in connection with the offer to sell or the sale of the security;

(iii) a commission or other remuneration is not paid or given, directly or indirectly, to a person other than a broker-dealer registered under this article, or to an agent registered under this article, for soliciting a prospective purchaser in Indiana; and

(iv) the issuer reasonably believes that all the purchasers in Indiana, other than those designated in subdivision (13), are purchasing for investment; and

(B) the issuer:

(i) is not a registered securities broker-dealer; and

(ii) does not sell issue by or through a registered securities broker-dealer; and

(C) the issuer files a notice of the issuer's intent to sell a security in accordance with this subdivision on a form prescribed by the commissioner.

The commissioner may require the issuer to furnish any additional information considered necessary by the commissioner to determine the issuer's qualifications.

(25) An offer to sell or a sale of a security of an issuer, if the following apply:

(A) The transaction is part of a single issue in which:

(i) the offer or sale is made in compliance with 17 CFR 230.504, 17 CFR 230.505, and 17 CFR 230.506, including any offer or sale made exempt by the application of 17

CFR 508(a);

(ii) the issuer is required to submit a notice filing on a Form D not later than fifteen (15) days after the first sale of securities in this state; and

(iii) by submitting the notice described in item (ii), the issuer agrees, upon written request by the commissioner, to furnish to the commissioner any information the issuer furnished to offerees.

(B) For offerings made in compliance with 17 CFR 230.504, no commission, fee, or other remuneration is paid or given, directly or indirectly, to any broker-dealer for soliciting any prospective purchaser in this state unless the broker-dealer is appropriately registered under this article. It is a defense to a violation of this clause if the issuer sustains the burden of proof that the issuer did not know and, in the exercise of reasonable care could not have known, that the person who received the commission, fee, or other remuneration was not properly registered.

(C) In all sales to purchasers other than those described in subdivision (13) for offerings made in compliance with 17 CFR 230.504, at least one (1) of the following is satisfied:

(i) The investment is suitable for the purchaser upon the basis of facts, if any facts are disclosed by the purchaser, as to the purchaser's other securities holdings, financial situation, and needs. For purposes of this item only, it is presumed that, if the investment does not exceed ten percent (10%) of the investor's net worth, the investment is suitable.

(ii) The purchaser, either alone or with the purchaser's representative or representatives, has the knowledge and experience in financial and business matters that demonstrate that the purchaser is capable of evaluating the merits and risks of the prospective investment.

(26) Subject to section 2.4 of this chapter, an offer to sell or a sale of a security by an issuer in a transaction that meets all the following requirements:

(A) The sale of the security is made only to a person who:

(i) is; or

(ii) the issuer reasonably believes is;

an accredited investor as defined in 17 CFR 230.501(a).

(B) The issuer complies with the requirements in section 2.6 of this chapter.

(C) The issuer:

(i) reasonably believes that all purchasers are purchasing for investment; and

(ii) is not selling or offering to sell the security with the view to or for sale in connection with a distribution of the security.

If a security is resold within twelve (12) months after the date that the security was sold in reliance on the exemption under this subdivision, the sale of the security in reliance on this exemption is presumed to be with a view to distribution and not for investment. However, the presumption does not apply to a security resold under a registration statement effective under IC 23-19-3-4 or IC 23-19-3-5 or to an accredited investor under an exemption available under this section.

SECTION 2. IC 23-19-2-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.4. (a) As used in this section, "person associated with the issuer" includes the following:**

(1) A predecessor of an issuer.

(2) An issuer affiliated with the issuer.

(3) A director, an officer, or a general partner of the issuer.

(4) A beneficial owner of at least ten percent (10%) of any class of the issuer's equity securities.

(5) A promoter presently connected with the issuer in any capacity.

(6) An underwriter of the securities of the issuer that are to be offered.

(7) A partner, a director, or an officer of an underwriter described in subdivision (6).

(b) A transaction described in section 2(26) of this chapter is not exempt under section 2(26) of this chapter if:

(1) the issuer of the security or a person associated with the issuer:

(A) has, within the past five (5) years, filed a registration statement that is the subject of a currently effective registration stop order entered by any state securities

administrator or the Securities and Exchange Commission;
(B) has, within the past five (5) years, been convicted of any criminal offense:
(i) in connection with the offer, purchase, or sale of any security; or
(ii) involving fraud or deceit;
(C) is currently subject to any state or federal administrative enforcement order or judgment, entered within the past five (5) years, finding fraud or deceit in connection with the purchase or sale of any security; or
(D) is currently subject to any order, judgment, or decree of any court with jurisdiction, entered within the past five (5) years, temporarily, preliminarily, or permanently restraining or enjoining the issuer or a person associated with the issuer from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security; and
(2) one (1) or more of the following do not apply:
(A) The issuer of the security or a person associated with the issuer described in subdivision (1) is licensed or registered to conduct securities related business in the state in which the order, judgment, or decree creating the disqualification of the exemption was entered against the issuer of the security or a person associated with the issuer.
(B) Before the first offer of a security in reliance on the exemption in section 2(26) of this chapter, the:
(i) state securities administrator; or
(ii) court or regulatory authority that entered the order, judgment, or decree waived;
the disqualification of the exemption.
(C) The issuer establishes that the issuer did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification of the exemption existed under this subsection.

(c) A transaction described in section 2(26) of this chapter is not exempt under section 2(26) of this chapter if the issuer of the security is in the development stage of the issuer's business and:
(1) does not have a specific business plan or purpose; or
(2) has indicated that the issuer's business plan is to engage in

a merger or acquisition with an unidentified company, companies, entity, or other person.

SECTION 3. IC 23-19-2-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.6. (a) This section applies only to the sale of or offer to sell a security in reliance on the exemption under section 2(26) of this chapter.**

(b) A general announcement of a proposed offering of securities may be made by any means.

(c) Except as provided in subsection (d), a general announcement described in subsection (b) may include only the following information unless additional information is specifically permitted by the commissioner:

(1) The name, address, and telephone number of the issuer of the securities.

(2) The name and a brief description and price, if known, of any security to be issued.

(3) A brief description of the business of the issuer in less than twenty-six (26) words.

(4) The type, number, and aggregate amount of securities being offered.

(5) The name, address, and telephone number of the person to contact for additional information.

(6) A statement that:

(A) sales will be made only to accredited investors;

(B) no money or other consideration is being solicited or will be accepted by way of the general announcement; and

(C) the securities:

(i) have not been registered with or approved by any state securities agency or the Securities and Exchange Commission; and

(ii) are being offered and sold pursuant to an exemption from registration.

(d) An issuer, in connection with an offer to sell a security in reliance on the exemption under section 2(26) of this chapter, may provide information in addition to the general announcement described in subsection (c) if one (1) or more of the following apply:

(1) The information is delivered through an electronic data

base that is restricted to persons who have been prequalified as accredited investors.

(2) The information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor.

(e) The issuer may not make solicitations by telephone for the sale of or offer to sell securities in reliance on the exemption under section 2(26) of this chapter unless before placing the telephone call the issuer reasonably believes that the prospective purchaser the issuer will be soliciting is an accredited investor.

(f) Any dissemination of the general announcement of the proposed offering described in this section does not disqualify the issuer from claiming the exemption under section 2(26) of this chapter.

(g) The issuer shall file with the securities division a:

(1) Model Accredited Investor Exemption Uniform Notice of Transaction, along with a consent to service of process; and

(2) copy of the general announcement;

not later than fifteen (15) days after the first sale of the security in Indiana.

SECTION 4. IC 23-19-7-5, AS ADDED BY P.L.85-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this chapter, "monetary sanction" refers to money required to be paid under this article as the result of a judicial or an administrative action, including any penalties imposed or amounts ordered through an order of ~~restitution or~~ disgorgement. **However, the term does not include any amounts ordered or identified as restitution.**

P.L.72-2014
[H.1121. Approved March 24, 2014.]

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

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

SECTION 1. IC 4-2-7-3, AS AMENDED BY P.L.126-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The inspector general shall do the following:

(1) Initiate, supervise, and coordinate investigations.

(2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.

(3) Receive complaints alleging the following:

(A) A violation of the code of ethics.

(B) Bribery (IC 35-44.1-1-2).

(C) Official misconduct (IC 35-44.1-1-1).

(D) Conflict of interest (IC 35-44.1-1-4).

(E) Profiteering from public service (IC 35-44.1-1-5).

(F) A violation of the executive branch lobbying rules.

(G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.

(4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:

(A) the governor; and

(B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.

(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.

(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.
(7) Ensure that every:
(A) employee;
(B) state officer;
(C) special state appointee; and
(D) person who has a business relationship with an agency;
is properly trained in the code of ethics.
(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.
(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.
(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.
(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.
(12) Accept and file information that:
(A) is voluntarily supplied; and
(B) exceeds the requirements of this chapter.
(13) Inspect financial disclosure forms.
(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.
(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and IC 35-44.1-1.
(16) Prepare interpretive and educational materials and programs.
(17) Adopt rules under IC 4-22-2 and section 9 of this chapter to implement a statewide code of judicial conduct for administrative law judges. The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.

SECTION 2. IC 4-2-7-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) The inspector general shall adopt rules under IC 4-22-2 establishing a statewide code of judicial conduct for administrative law judges. The statewide code of judicial conduct for administrative law judges must apply to every person acting as an administrative law judge for a state agency.**

(b) The inspector general:

(1) shall review 312 IAC 3-1-2.5 and 315 IAC 1-1-2 in adopting a statewide code of judicial conduct for administrative law judges; and

(2) may base the statewide code of judicial conduct for administrative law judges on 312 IAC 3-1-2.5 and 315 IAC 1-1-2.

(c) A state agency may adopt rules under IC 4-22-2 to establish a supplemental code of judicial conduct for a person acting as an administrative law judge for that agency, if the supplemental code is at least as restrictive as the statewide code of judicial conduct for administrative law judges.

(d) The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.

(e) The statewide code of judicial conduct for administrative law judges shall be enforced under IC 4-21.5. The inspector general is not responsible for enforcing the statewide code of judicial conduct for administrative law judges or for investigating a possible violation of the statewide code.

SECTION 3. IC 4-21.5-3-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. (a) An agency may share an administrative law judge with another agency:**

(1) to avoid bias, prejudice, interest in the outcome, or another conflict of interest;

(2) if a party requests a change of administrative law judge;

(3) to ease scheduling difficulties; or

(4) for another good cause.

An agency may adopt rules under IC 4-22-2 to implement this subsection.

(b) To the extent practicable, an administrative law judge must

have expertise in the area of law being adjudicated.

(c) An agency shall post on the agency's Internet web site the:

(1) name;

(2) salary and other remuneration; and

(3) relevant professional experience;

of every person who serves as an administrative law judge for the agency.

SECTION 4. IC 4-21.5-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except to the extent that a statute other than this article limits an agency's discretion to select an administrative law judge, the ultimate authority for an agency may:

(1) act as an administrative law judge;

(2) designate one (1) or more members of the ultimate authority (if the ultimate authority is a panel of individuals) to act as an administrative law judge; or

(3) designate one (1) or more: ~~other individuals~~

(A) attorneys licensed to practice law in Indiana; or

(B) persons who served as administrative law judges for a state agency before January 1, 2014;

~~not necessarily employees of the agency,~~ to act as an administrative law judge.

A person designated under subdivision (3) is not required to be an employee of the agency. A designation under subdivision (2) or (3) may be made in advance of the commencement of any particular proceeding for a generally described class of proceedings or may be made for a particular proceeding. A general designation may provide procedures for the assignment of designated individuals to particular proceedings.

(b) An agency may not knowingly assign an individual to serve alone or with others as an administrative law judge who is subject to disqualification under this chapter.

(c) If the judge believes that the judge's impartiality might reasonably be questioned, or believes that the judge's personal bias, prejudice, or knowledge of a disputed evidentiary fact might influence the decision, an individual assigned to serve alone or with others as an administrative law judge shall:

(1) withdraw as the administrative law judge; or

(2) inform the parties of the potential basis for disqualification, place a brief statement of this basis on the record of the proceeding, and allow the parties an opportunity to petition for disqualification under subsection (d).

(d) Any party to a proceeding may petition for the disqualification of an individual serving alone or with others as an administrative law judge upon discovering facts establishing grounds for disqualification under this chapter. The administrative law judge assigned to the proceeding shall determine whether to grant the petition, stating facts and reasons for the determination. If the administrative law judge ruling on the disqualification issue is not the ultimate authority for the agency, the party petitioning for disqualification may petition the ultimate authority in writing for review of the ruling within ten (10) days after notice of the ruling is served. The ultimate authority shall conduct proceedings described by section 28 of this chapter to review the petition and affirm, modify, or dissolve the ruling within thirty (30) days after the petition is filed. A determination by the ultimate authority under this subsection is a final order subject to judicial review under IC 4-21.5-5.

(e) If a substitute is required for an administrative law judge who is disqualified or becomes unavailable for any other reason, the substitute must be appointed in accordance with subsection (a).

(f) Any action taken by a duly appointed substitute for a disqualified or unavailable administrative law judge is as effective as if taken by the latter.

(g) If there is a reasonable likelihood that the ultimate authority will be called upon to:

(1) review; or

(2) issue a final order with respect to;

a matter pending before or adjudicated by an administrative law judge, the provisions of section 11 of this chapter that apply to an administrative law judge or to a person communicating with an administrative law judge apply to a member of the ultimate authority and to a person communicating with a member of the ultimate authority.

SECTION 5. IC 4-21.5-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) At any stage of a proceeding, if a party fails to:

(1) **satisfy the requirements of section 7(a) of this chapter;**

(2) file a responsive pleading required by statute or rule;

~~(2)~~ **(3)** attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or

~~(3)~~ **(4)** take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;

the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

SECTION 6. IC 4-21.5-5-3, AS AMENDED BY P.L.219-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The following have standing to obtain judicial review of an agency action:

(1) A person to whom the **final** agency action is specifically directed.

(2) A person who was a party to the ~~agency~~ proceedings **of the ultimate authority** that led to the **final** agency action, **including the agency whose order was under review in the proceeding.**

(3) A person eligible for standing under a law applicable to the **final** agency action.

(4) A person otherwise aggrieved or adversely affected by the **final** agency action.

(b) A person has standing under subsection (a)(4) only if:

(1) the **final** agency action has prejudiced or is likely to prejudice the interests of the person;

(2) the person:

(A) was eligible for an initial notice of an order or proceeding under this article, was not notified of the order or proceeding in substantial compliance with this article, and did not have actual notice of the order or proceeding before the last date in the proceeding that the person could object or otherwise intervene to contest the agency action; or

(B) was qualified to intervene to contest an agency action under IC 4-21.5-3-21(a), petitioned for intervention in the proceeding, and was denied party status;

(3) the person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and

(4) a judgment in favor of the person would substantially eliminate or redress the prejudice to the person caused or likely to be caused by the **final** agency action.

SECTION 7. IC 4-22-2-22.5, AS ADDED BY P.L.152-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22.5. (a) This section applies to a rule that an agency intends to adopt under sections 24 through 36 of this chapter.

(b) **As used in this section, "pending rulemaking action" means any rulemaking action in which:**

(1) either:

(A) a notice of intent has been published under section 23 of this chapter; or

(B) a rulemaking action has been commenced under IC 13-14-9; and

(2) the rule has not become effective under section 36 of this chapter.

(c) Each agency shall maintain a current rulemaking docket that is indexed.

~~(c)~~ **(d)** A current rulemaking docket must list each pending rulemaking ~~proceeding~~ **action.** The docket must state or contain:

(1) the subject matter of the proposed rule;

(2) notices related to the proposed rule, **or links to the Indiana Register where these notices may be viewed;**

(3) how comments may be made;

(4) the time within which comments may be made;

(5) where comments **and the agency's written response to those comments** may be inspected;

(6) ~~requests for a~~ **the date, time, and place where a** public hearing **required under:**

(A) section 26 of this chapter; or

(B) IC 13-14-9;

will be held;

~~(7) appropriate information about a public hearing, if any, including the names of the persons making the request;~~

~~(8)~~ **(7)** a description of relevant scientific and technical findings related to the proposed rule, **if applicable;** and

~~(9)~~ **(8) a reasonable estimate of** the timetable for action, **updated periodically as circumstances change, if necessary.**

~~(d)~~ **(e)** The agency shall maintain the rulemaking docket on the agency's Internet web site. The information must be in an open format that can be easily searched and downloaded. Access to the docket shall, to the extent feasible and permitted by law, provide an opportunity for public comment on the pertinent parts of the rulemaking docket, including relevant scientific and technical findings. Upon request, the agency shall provide a written rulemaking docket.

SECTION 8. **An emergency is declared for this act.**

P.L.73-2014
[H.1134. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 32-21-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) As used in this section, "homeowners association property" refers to real property owned by any of the following:**

(1) A member of the homeowners association.

(2) The homeowners association.

(3) The members of the homeowners association in common.

(b) A homeowners association may not adopt or enforce a rule or covenant that prohibits, or has the effect of prohibiting:

(1) a candidate;

(2) an individual who holds an elected office;

(3) the spouse of a candidate or individual who holds an elected office; or

(4) a volunteer worker of a candidate or individual who holds an elected office;

from entering onto homeowners association property for purposes of conducting political activity.

P.L.74-2014
[H.1258. Approved March 24, 2014.]

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

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

SECTION 1. IC 25-22.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Indiana Telehealth Services Pilot Program

Sec. 1. As used in this chapter, "telehealth services" means the use of telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, treatment, supervision, and information across a distance.

Sec. 2. (a) Before August 1, 2014, the board shall establish a pilot program to provide telehealth services to patients in Indiana without the establishment of an in person patient-physician relationship.

(b) The pilot program must include the following:

(1) Requirement that the services be provided by a physician licensed under IC 25-22.5 who has an established physical practice in Indiana.

(2) Standards and procedures determined by the board for physicians to practice in providing services in the pilot program, including the following:

(A) The documentation and storage of a patient's medical records.

(B) Secure technology that complies with the federal Health Insurance Portability and Accountability Act.

(3) A requirement that the pilot program include the issuance of a prescription when medically necessary. However, the pilot program may not include the issuance of a prescription

for a controlled substance.

(4) The types of services that may be provided under the pilot program, including a prohibition on the provision of emergency care.

(5) The geographic area that will be served under the pilot program.

(6) The duration of the pilot program.

(c) The board may continue the operation of a program after the expiration of the pilot program as determined under subsection (b)(6) until:

(1) the board changes administrative rules to allow a practitioner to prescribe for a patient without seeing the patient in person;

(2) the general assembly takes action to terminate the program; or

(3) the expiration of this chapter.

Sec. 3. Before the earlier of six (6) months after the completion of the pilot program, or February 1, 2015, the board shall report to the general assembly in an electronic format under IC 5-14-6 concerning the outcomes of the pilot program, including the following:

(1) The number of patients served.

(2) The number of prescriptions issued.

(3) The number of in-person follow up care required.

(4) Overall physician and patient satisfaction.

Sec. 4. This chapter expires July 1, 2016.

SECTION 2. **An emergency is declared for this act.**

P.L.75-2014
[H.1276. Approved March 24, 2014.]

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

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

SECTION 1. IC 20-20-38-5, AS ADDED BY P.L.7-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The state board shall do the following:

(1) Prepare biennially a plan for implementing career and technical education.

(2) Implement, to the best of its ability, the career and technical education plan prepared under subdivision (1).

(3) Investigate the funding of career and technical education on a cost basis.

(4) Establish and monitor the operation of secondary level career and technical education in Indiana in accordance with the comprehensive long range state plan developed under section 4 of this chapter.

(5) Establish a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans under IC 22-4.1-14.

(6) In consultation with the Indiana professional licensing agency, adopt rules concerning secondary level career and technical education programs, courses, and classes in the areas of cosmetology, electrology, esthetics, barbering, and manicuring.

(7) To comply with this section and any federal law or regulation:

(A) adopt rules under IC 4-22-2; and

(B) develop policies and administrative procedures.

SECTION 2. IC 25-8-5-1, AS AMENDED BY P.L.170-2013,

SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** The board may issue a license under this article to operate a beauty culture school.

(b) Beginning July 1, 2014, a license issued or renewed under this chapter for a barber school must state, in prominent type on the license, that the license is a "barber school license".

SECTION 3. IC 25-8-5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) A school of barbering, manicuring, esthetics, or cosmetology licensed under this chapter shall be authorized to offer postsecondary higher education classes, courses, or programs consistent with the rules and policies adopted by the board subject to the board's oversight.**

(b) The board shall:

(1) adopt rules under IC 4-22-2 to comply with this section and any federal law or regulation; and

(2) develop policies and administrative procedures to:

(A) appropriately act on complaints concerning a beauty culture school licensed under this chapter; and

(B) comply with this section and any federal law or regulation.

SECTION 4. IC 25-8-7-1, AS AMENDED BY P.L.170-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** The board may issue a license under this article to operate a beauty culture salon.

(b) Beginning July 1, 2014, a license issued or renewed under this chapter for a barber shop must state, in prominent type on the license, that the license is a "barber shop license".

SECTION 5. IC 25-8-12.1-1, AS ADDED BY P.L.84-2010, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** The board may license a person to be a barber.

(b) Beginning July 1, 2014, a license issued or renewed under this chapter must state, in prominent type on the license, that the license is a "barber license".

P.L.76-2014
[H.1318. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: **Sec. 16.3. (a) "De minimis change", with respect to a certified voting system's hardware, refers to a change to the hardware, the nature of which will not materially alter the system's reliability, functionality, capability, or operation.**

(b) For a hardware change to qualify as a de minimis change, the change must:

(1) maintain, unaltered, the reliability, functionality, capability, and operability of a system; and

(2) ensure that when hardware is replaced, the original hardware and the replacement hardware are electronically and mechanically interchangeable and have identical functionality and tolerances.

(c) The following are not de minimis changes:

(1) Software and firmware modifications.

(2) The change has reasonable and identifiable potential to affect the system's operation and compliance with applicable voting system standards.

SECTION 2. IC 3-5-2-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: **Sec. 31.7. "Modification", for a certified voting system, refers to a change:**

(1) in the software or firmware of the voting system; or

(2) to the hardware of the voting system that:

(A) materially alters the system's reliability, functionality, capacity, or operation; or

(B) has a reasonable and identifiable potential to affect the voting system's operation and compliance with the applicable voting system standards.

SECTION 3. IC 3-5-2-40.5, AS AMENDED BY P.L.118-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 40.5. (a) Except as provided in subsection (b), "proof of identification" refers to a document that satisfies all the following:

(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election.

(4) The document was issued by the United States or the state of Indiana.

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, **the United States Department of Veterans Affairs (or its predecessor, the Veterans Administration),** a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(1) otherwise complies with the requirements of subsection (a); and

(2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

SECTION 4. IC 3-6-6-39, AS AMENDED BY P.L.194-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter but is not required to be a registered voter of the county.

(b) An individual appointed to a precinct election office or assistant under this section,

~~(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and~~

~~(2)~~ while serving as a precinct election officer or assistant:

~~(A)~~ **(1)** is not required to obtain an employment certificate under IC 20-33-3; and

~~(B)~~ **(2)** is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 5. IC 3-7-16-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 29. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 27 or 28 of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

(2) ~~Certified~~ **Delivery by the United States Postal Service, using first class** mail. ~~return receipt requested.~~

(3) Electronic transfer, after approval by the commission.

SECTION 6. IC 3-7-18-21, AS AMENDED BY P.L.42-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 21. A designated individual may use any of the following methods to transmit voter registration applications or

declinations under section 19 of this chapter:

(1) Hand delivery to the ~~circuit court clerk or board of~~ **county voter** registration **office.**

(2) ~~Certified~~ **Delivery by the United States Postal Service, using first class** mail. ~~return receipt requested.~~

(3) Electronic transfer, after approval by the commission.

SECTION 7. IC 3-7-36-10, AS AMENDED BY P.L.225-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10. (a) The county voter registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the ~~tenth~~ **eighth** day before the election.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 8. IC 3-7-36-14, AS AMENDED BY P.L.219-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

(1) beginning on the ~~ninth~~ **seventh** day before election day; and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period applicable to the voter under this chapter and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the ~~tenth~~ **eighth** day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the ~~tenth~~ **eighth** day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

SECTION 9. IC 3-7-40-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: **Sec. 8. When notified by a local public official or plan commission under section 3 of this chapter, the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3 to be consistent with the information submitted under section 3 of this chapter.**

SECTION 10. IC 3-7-48-2, AS AMENDED BY P.L.271-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

APRIL 1, 2014]: Sec. 2. A certificate of error issued under section 1 of this chapter:

(1) may be issued at any time after:

(A) the production of the certified list under IC 3-7-29; or

(B) the downloading of the information into an electronic poll ~~list~~ **book** under IC 3-7-29-6(c);

(2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and

(3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

SECTION 11. IC 3-7-48-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of error to the board of registration.~~

SECTION 12. IC 3-8-1-23, AS AMENDED BY P.L.146-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23. (a) A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana;

(2) own real property located in the county upon taking office; and

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser

under IC 6-1.1-35.5 **before taking office.**

SECTION 13. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23.6. (a) A ~~person who runs in an election after June 30, 2008,~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008,** must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A ~~person who runs in an election after January 1, 2012,~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) A candidate for the office of township assessor under IC 36-6-5-1 who:

(1) held the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

SECTION 14. IC 3-8-2-2.5, AS AMENDED BY P.L.217-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified; and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the

location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). The candidate may not claim affiliation with any political party described by IC 3-8-4-1.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) **The following statements:**

(A) A statement that the candidate **has attached either of the following to the declaration:**

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

~~(A)~~ **(D) A statement that the candidate:**

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

~~(B)~~ **(ii)** agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately ~~sign~~ **initial each of** the ~~statement~~ **statements** required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars ($500) in contributions.

(B) The candidate makes more than five hundred dollars ($500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all

purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information: ~~near the separate signature required by subsection (b)(7):~~

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 15. IC 3-8-2-7, AS AMENDED BY P.L.194-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot

under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party. The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) ~~This subdivision does not apply to a candidate for federal office.~~ **The following statements:**

(A) A statement that the candidate **has attached either of the following to the declaration:**

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

~~(A)~~ **(D) A statement that the candidate:**

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

~~(B)~~ **(ii)** agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately ~~sign~~ **initial each of** the ~~statement~~ **statements** required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state, legislative, or local office in a previous primary, municipal, special, or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date

to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information: ~~near the separate signature required by subsection (a)(7):~~

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 16. IC 3-8-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a)** Not ~~more~~ **later** than **the close of** one (1) **business** day after a person files a declaration of candidacy in the office of the election division or circuit court clerk, the election division or circuit court clerk shall **send a statement to the candidate by:**

(1) hand ~~deliver~~ **delivery;**

(2) first class United States mail; or

(3) electronic mail.

~~to the candidate (or mail to the candidate at the address listed in the declaration) a statement showing~~

(b) The election division or circuit court clerk shall send the statement (or a scanned copy of the statement, if the statement is sent by electronic mail) to the mailing address or electronic mail address set forth in the declaration of candidacy.

(c) The statement must show the following:

(1) That the candidate has filed a declaration.

(2) The name of the candidate.

(3) The office for which the ~~declarant~~ **individual** is a candidate.

(4) The date on which the declaration was filed.

SECTION 17. IC 3-8-2.5-2, AS AMENDED BY SEA 24-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with ~~IC 3-8-6~~ **this chapter** and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate may be nominated for a school board office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date ~~the county voter registration office certifies~~ the petition **is certified** under ~~section 5 of~~ this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 18. IC 3-8-2.5-2.5, AS ADDED BY P.L.194-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.

(3) The school board office that each candidate seeks.

(4) That each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9 referred to in clause (A).

The candidate must separately sign the statement required by this subdivision.

(3) A statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars ($500) in contributions.

(B) The candidate makes more than five hundred dollars ($500) in expenditures.

(4) A statement indicating whether or not each candidate:

(A) has been a candidate for state, legislative, local, or school board office in a previous primary, **municipal, special,** or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(5) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(6) Any statement of economic interests required under IC 3-8-9.

SECTION 19. IC 3-8-5-10.5, AS AMENDED BY P.L.225-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4; and

(2) not later than:

(A) noon August 1 before a municipal election if the town nominates its candidates by convention; and

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.

(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) That the candidate has attached either of the following to the declaration:

(A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(B) A receipt or photocopy of a receipt showing that a

statement of economic interests has been filed.

(7) That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.

(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.

(9) That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

~~(6)~~ **(10)** The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of

candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 20. IC 3-8-6-12, AS AMENDED BY P.L.225-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) **The following statements:**

(A) A statement that the candidate **has attached either of the following to the petition:**

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the

candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

~~(A)~~ **(D) A statement that the candidate:**

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

~~(B)~~ **(ii)** agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately ~~sign~~ **initial each of** the ~~statement~~ **statements** required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars ($500) in contributions.

(B) The candidate makes more than five hundred dollars ($500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information: ~~near the separate signature required by subsection (b)(2):~~

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 21. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Either the chairman and secretary of a state convention or~~ **This section applies to a state convention conducted by a political party described by IC 3-8-4-1.**

(b) The state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

~~(b)~~ **(c)** The certificate must **be in writing and** state the following:

(1) The name of each candidate nominated as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) Each candidate's residence address.

~~(1)~~ **(3)** Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

~~(2)~~ **(4)** That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

~~(c)~~ **(d)** The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection ~~(b)(2):~~ **(c)(4):**

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

~~(d)~~ **(e)** A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

SECTION 22. IC 3-8-7-8, AS AMENDED BY HEA 1318-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) This section applies to a state

convention conducted by a political party described by IC 3-8-4-1.

(b) The state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(c) The certificate must be in writing and state the following:

(1) The name of each candidate nominated as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) Each candidate's residence address.

(3) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(4) **The following statements:**

(A) A statement that the candidate **has attached either of the following to the certificate:**

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

~~(A)~~ **(D) A statement that the candidate:**

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

~~(B)~~ **(ii)** agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately ~~sign~~ **initial each of** the ~~statement~~ **statements** required by this subdivision.

(d) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information: ~~near the separate signature required by subsection (c)(4):~~

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(e) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

SECTION 23. IC 3-8-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10. **(a) This section applies to a county, city, or town convention conducted by a political party described by IC 3-8-4-1.**

(b) A certificate of nomination by convention or primary election

must satisfy all of the following:

(1) Be in writing.

(2) Contain all of the following information for each person nominated:

(A) The name of each person nominated as:

(i) the person wants the person's name to appear on the ballot; and

(ii) the person's name is permitted to appear on the ballot under IC 3-5-7.

(B) Each person's residence address.

(C) The office for which each person is nominated.

~~(3) Designate a title for the political party or principle that the convention or primary election represents, together with a simple figure or device by which its lists of candidates may be designated on the ballot.~~

~~(4)~~ **(3)** Be signed by ~~the chairman and secretary of the convention, or by~~ the chairman and secretary of the ~~state,~~ county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before ~~an officer authorized to take acknowledgments of deeds. The certificate of acknowledgment must be appended to the certificate of nomination.~~ **an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.**

SECTION 24. IC 3-8-9-4, AS ADDED BY P.L.90-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply to a candidate for either of the following:**

(1) Judge of a circuit, superior, probate, or small claims court.

(2) Prosecuting attorney of a judicial circuit.

(b) A candidate for a local office or school board office shall file a written statement of economic interests as provided in this chapter.

SECTION 25. IC 3-8-9-5, AS AMENDED BY P.L.194-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 5. An individual required to file a statement under section 4 of this chapter shall file the statement as follows:

(1) With the individual's:

(A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

(B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;

(C) certificate of nomination under IC 3-10-2-15 or IC 3-10-6-12;

(D) statement consenting to be a replacement candidate under IC 3-8-6-17;

(E) declaration of intent to be a write-in candidate under IC 3-8-2-2.5; or

(F) certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

(2) When the individual assumes a vacant elected office under IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, ~~or~~ IC 3-13-11, **or IC 20-23-4-30.** A statement filed under this subdivision must be filed not later than noon sixty (60) days after the individual assumes the elected office.

SECTION 26. IC 3-10-1-7.1, AS AMENDED BY P.L.258-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 27. IC 3-10-1-14.1, AS AMENDED BY P.L.194-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 14.1. (a) All the candidates for each office who have qualified in the manner prescribed by IC 3-8 for placement on the primary election ballot shall be grouped together under the name of the office and printed in type with uniform capital letters, with uniform

space between each name. At the head of each group, a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be nominated) candidates for this office.".

~~(b) This subsection does not apply to a candidate for a political party office. A candidate's given name and surname as set forth in the candidate's voter registration record shall be printed in full.~~

~~(c)~~ **(b)** In addition to the candidate's given name and surname, the candidate may use:

(1) initials; or

(2) a nickname by which the candidate is commonly known;

if the candidate's choice of initials or nickname does not exceed twenty (20) characters. Any nickname used must appear in parentheses between the candidate's given name and the candidate's surname.

~~(d)~~ **(c)** A candidate may not use a designation such as a title or degree or a nickname that implies a title or degree.

~~(e)~~ **(d)** A candidate's name must be printed on the ballot exactly as the name appears on the candidate's certificate of nomination, petition of nomination, or declaration of candidacy.

SECTION 28. IC 3-10-1-18, AS AMENDED BY P.L.221-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 18. (a) Except as provided by subsection (b), the names of all candidates for each office who have qualified under IC 3-8 shall be arranged in alphabetical order by surnames under the designation of the office.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of

the time and place at which the lottery is to be held. Each candidate may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

(c) For paper ballots, the left margin of the ballot for each political party must show the name of the uppermost candidate printed to the right of the number 1, the next candidate number 2, the next candidate number 3, and so on, consecutively to the end of the ballot as prescribed in section 19 of this chapter. ~~The same order shall be followed for the printing of ballot labels and their placement on~~ **If ordered by a county election board or a board of elections and registration under IC 3-11-15-13.1(b), a ballot number or other candidate designation uniquely associated with the candidate must be displayed on** the electronic voting system and ~~for the printing of~~ **printed on the** ballot cards.

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

SECTION 29. IC 3-10-1-24, AS AMENDED BY SEA 185-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. In a vote center county using an electronic poll ~~list,~~ **book,** two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll ~~list.~~ **book.** The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll ~~list.~~ **book:**

(1) The voter's name.

(2) Except as provided in subsection (d), the voter's current residence address.

(3) The name of the voter's party.

(b) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) The ~~electronic~~ poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll ~~list~~ **book** is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll ~~list~~ **book** and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll ~~list.~~ **book.**

(e) If the voter makes:

(1) a written affirmation on the poll list **(or if an electronic poll book is used, a written affirmation in the manner described in IC 3-7-39-7)** that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

SECTION 30. IC 3-11-3-11, AS AMENDED BY SEA 24-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The ~~local~~ sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The ~~local~~ ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll ~~list~~ **book** in each precinct or vote center.

SECTION 31. IC 3-11-3-29.4, AS ADDED BY P.L.194-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

(1) nomination in a primary election or municipal primary election; **or**

(2) election to a political party office in a primary election.

(b) If the county election board determines by unanimous vote of the

entire membership that there is good cause to believe that a candidate has died, the board shall not print the name of the candidate on the primary ballot.

(c) However, if the county election board has already printed ballots containing the name of the deceased candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the deceased candidate.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary election is void.

SECTION 32. IC 3-11-7-15, AS AMENDED BY P.L.221-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and **the results of the testing by the independent laboratory under subsection (c) and** report the results of the review to the commission. The review must indicate **whether the proposed improvement or change:**

(1) ~~whether the proposed improvement or change~~ has been approved by an independent laboratory accredited under 42 U.S.C. 15371; ~~and~~

(2) ~~whether the proposed improvement or~~ **is a de minimis** change **or a modification;**

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has approved the application for an improvement or change **(including a de minimis change)** to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter.

SECTION 33. IC 3-11-7.5-5, AS AMENDED BY P.L.221-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 5. (a) A vendor may apply for approval of a proposed improvement or change to an electronic voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or a change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting system and **the results of the testing by the independent laboratory under subsection (c) and** report the results of the review to the commission. The review must indicate **whether the proposed improvement or change:**

(1) ~~whether the proposed improvement or change~~ has been approved by an independent laboratory accredited under 42 U.S.C. 15371; ~~and~~

(2) ~~whether the proposed improvement or~~ **is a de minimis** change

or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system **(including a de minimis change),** the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

SECTION 34. IC 3-11-7.5-7, AS AMENDED BY P.L.221-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 7. The commission may not approve the marketing, sale, lease, installation, or implementation of an electronic voting system unless the system meets the specifications in sections 8 through ~~19~~ **18** of this chapter and in IC 3-11-15.

SECTION 35. IC 3-11-7.5-19 IS REPEALED [EFFECTIVE APRIL 1, 2014]. ~~Sec. 19. An electronic voting system must have the frame in which the ballot label is placed constructed with a transparent protective sheet in order that the names cannot be mutilated or altered.~~

SECTION 36. IC 3-11-8-10.3, AS AMENDED BY SEA 385-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

(1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in

conjunction with a voting system if both the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All ballot related data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll ~~book~~ **list** has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll book must be ~~encrypted~~ **secure** and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the electronic poll ~~book;~~ **list;** and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll book must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county.

(8) The electronic poll book must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll book must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll book used in a

vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll book must be compatible with:

(A) any hardware attached to the electronic poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll book.

(15) The electronic poll book must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(16) The procedures for setting up, using, and shutting down an electronic poll book must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place,

such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll book.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list book using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll book; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll book system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll book consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.

(H) Repair and maintenance policies for the electronic poll book.

(I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll book.

(ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.

(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, ~~included on the electronic poll book,~~ including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

SECTION 37. IC 3-11-8-25.1, AS AMENDED BY SEA 385-2014, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of

identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll ~~list.~~ **book.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

SECTION 38. IC 3-11-8-26.1, AS AMENDED BY P.L.271-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 26.1. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list or enter the information into the electronic poll ~~list.~~ **book:**

(1) The voter's name.

(2) Except as provided in subsection (e), the voter's current residence address.

(c) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) The ~~electronic~~ poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll ~~list~~ **book** is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll ~~list.~~ **book.**

SECTION 39. IC 3-11-13-28, AS AMENDED BY HEA 1096-2014, SECTION 5, AND AS AMENDED BY SEA 185-2014, SECTION 7, IS REPEALED [EFFECTIVE APRIL 1, 2014]. ~~Sec. 28. (a) This section does not apply to a ballot card voted by absentee ballot.~~

~~(b) Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:~~

~~(1) at the time the card is issued to a voter; or~~

~~(2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.~~

~~The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.~~

~~(c) In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.~~

~~(d) Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:~~

~~(1) the ballot card is initialed by both poll clerks; or~~

~~(2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).~~

SECTION 40. IC 3-11-13-28.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: **Sec. 28.1. (a) This section does not apply:**

(1) to a ballot card voted by absentee ballot; or

(2) in a vote center county using an electronic poll book and a printer separate from the electronic poll book.

(b) Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

(1) at the time the card is issued to a voter; or

(2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) In a vote center county using an electronic poll list and a

printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

(d) Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:

(1) the ballot card is initialed by both poll clerks; or

(2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).

SECTION 41. IC 3-11-13-28.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: **Sec. 28.2. (a) This section:**

(1) does not apply to a ballot card voted by absentee ballot; and

(2) applies in a vote center county using an electronic poll book and a printer separate from the electronic poll book.

(b) The printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log onto the electronic poll book system may be printed by a printer separate from the electronic poll book on the back of each ballot card immediately before the ballot card is delivered to the voter.

(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless immediately before the ballot card is delivered to the voter:

(1) the ballot card is initialed by both poll clerks; and

(2) the initials of both poll clerks are printed on the back of the ballot in accordance with subsection (b).

SECTION 42. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking

the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:

(1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or response to a public question; or

(2) indicating the voter's choices by using a sip puff device

that enables the voter to indicate a choice by inhaling or exhaling.

SECTION 43. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label ~~or paster~~ must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be

elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket

(described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 44. IC 3-11-18.1-4, AS AMENDED BY SEA 385-2014, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not

being held in each precinct of the county.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to ~~establish~~ **manage data in an electronic poll book through** a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll book used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll books used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll books to be provided for the precinct.

(13) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have the

printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system printed on the back of the ballot card immediately before the ballot card is delivered to a voter.

(14) The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll ~~list~~ **book** without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(15) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(16) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(17) The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(18) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(19) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

(20) For a plan adopted after July 1, 2014, in a county in which a majority of votes are cast on optical scan ballot cards, any additional procedures to provide for efficient and secure voting at

each vote center, including ballot on demand printing.

SECTION 45. IC 3-11.5-4-1, AS AMENDED BY P.L.271-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1. Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

(3) This subdivision applies to a county that has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6 or is a voter center county under IC 3-11-18.1. Certify at the time the county voter registration office downloads information to an electronic poll ~~list~~ **book** under IC 3-7-29-6(c), the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

SECTION 46. IC 3-11.5-4-8, AS AMENDED BY P.L.271-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 8. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll ~~list~~ **book** used at a polling place or vote center is immediately updated to indicate the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Each county election board shall certify the names of voters:

(1) to whom absentee ballots were sent or who marked ballots in person; and

(2) whose ballots have been received by the board under this chapter;

after the certification under section 1 of this chapter and not later than noon on election day.

(c) The county election board shall have:

(1) the certificates described in subsection (b); and

(2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on election day by couriers appointed under section 22 of this chapter.

(d) The certificates shall be delivered not later than 3 p.m. on election day.

SECTION 47. IC 3-11.5-4-9, AS AMENDED BY P.L.271-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 9. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll ~~list~~ **book** used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section ~~16~~ **15** of this chapter;

in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 48. IC 3-11.5-4-11, AS AMENDED BY P.L.258-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **books** used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 49. IC 3-11.5-4-16, AS AMENDED BY P.L.271-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an

absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

~~(d) This subsection does not apply to a county that:~~

~~(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or~~

~~(2) is a vote center county under IC 3-11-18.1.~~

~~If a proper affidavit by a qualified person in the form required by IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.~~

~~(e)~~ **(d)** The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under ~~IC 3-11.7.~~ **IC 3-11.7-5.**

SECTION 50. IC 3-11.5-4-22, AS AMENDED BY P.L.271-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

(1) may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county; and

(2) shall not appoint teams of couriers, if the county:

(A) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(B) is a vote center county under IC 3-11-18.1.

(c) An otherwise qualified person is eligible to serve on an absentee

voter board or as an absentee ballot counter or a courier unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 51. IC 3-11.5-4-24, AS AMENDED BY P.L.271-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 24. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

(1) mark the poll list; and

(2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board

according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2);

under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 52. IC 3-11.5-5-3, AS AMENDED BY P.L.271-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **books** used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 53. IC 3-11.5-6-3, AS AMENDED BY P.L.271-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 3. (a) Except as provided in subsection (b),

immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **books** used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 54. IC 3-12-1-17, AS AMENDED BY SEA 385-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding IC 3-11-10-14 and ~~IC 3-11.5-4-10,~~ **IC 3-11.5-4-7,** an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than noon ten (10) days following the election.

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to

determine the postmark date, the absentee ballot may not be counted.

SECTION 55. IC 3-12-3.5-8, AS ADDED BY SEA 385-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 8. (a) After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems located within the polling place, including any absentee ballots cast, to determine if the total number of votes cast on the electronic voting systems ~~is greater than~~ **differs from** the number of voters shown to have received a ballot at the polls or returned an absentee ballot, according to the poll lists.

(b) If the number of ballots received at the polls and returned as absentee ballots ~~is greater than~~ **differs from** the total number of voters shown on the poll lists, the inspector and judge of the opposite party shall report this fact in writing to the county election board together with the reasons for the discrepancy, if known, at the time that the inspector and judge return the precinct poll list to the board.

(c) If:

(1) the total number of votes cast, as determined under subsection (a); ~~is greater than~~ **and**

(2) the number of voters who received a ballot at the polls or returned an absentee ballot according to the poll lists; ~~by~~

differs by five (5) ~~votes~~ or more, then the county election board shall order an audit of the votes cast in that precinct under this section.

(d) The county election board shall confirm that the votes cast in an election:

(1) for each candidate and each public question; and

(2) on a direct record electronic voting system in the precinct;

were correctly counted.

(e) The county election board shall conduct an audit by means of tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited.

(f) The county election board shall certify the results of the audit not later than noon twelve (12) days after the election. The certification must be on the form prescribed by the commission. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

(g) Public notice of the time and place of an audit shall be given at least forty-eight (48) hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within twelve (12) days after the election, notice shall be given by posting at or near the office of the county election board.

SECTION 56. IC 3-12-4-12, AS AMENDED BY P.L.221-2005, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 12. ~~Not later than noon on the second Monday~~ After the county election board certifies the election results under section 9 of this chapter, the circuit court clerk shall furnish, **upon request,** to the county chairman of each political party a copy of the statement.

SECTION 57. IC 3-12-12-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. As used in this chapter, "petitioner" refers to the individual voter whose name is listed first on the petition filed under section 2 of this chapter.**

SECTION 58. IC 3-12-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The petition filed under section 2 of this chapter must also be signed by a number of voters within the election district ~~that voted on the public question~~ equal to at least ten percent (10%) of the voters who cast ballots on the public question in the election.

SECTION 59. IC 3-12-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does not apply to a petitioner if it is determined that the result of the public question is other than what was shown on the face of the election returns.

(b) If a cash deposit was not made as required by section 5 of this chapter, the ~~petitioners~~ **petitioner** shall pay to the circuit court clerk within ten (10) days after the recount is completed all costs of the recount.

SECTION 60. IC 3-12-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. On the day when the order of a recount is made and entered by the court, the circuit court clerk shall send a certified copy of the order by certified mail to the

~~first name on each petition filed under section 2 of this chapter~~ **petitioner** at the address stated in the petition. The clerk shall charge the cost of mailing the order to each petitioner.

SECTION 61. IC 3-12-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) After a recount is ordered under section 9 of this chapter, the recount commission shall convene at a place fixed by order of the court and expeditiously complete the recount of all votes ordered recounted.

(b) The ~~petitioners~~ **petitioner** may designate a watcher to be present at the recount and may also be present in person. Representatives of the media may also attend the recount.

SECTION 62. IC 3-13-1-10.5, AS AMENDED BY P.L.225-2011, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus or committee conducting a meeting under this chapter; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;

at least seventy-two (72) hours before the time fixed for the caucus or committee meeting.

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

(c) A candidate's declaration of candidacy must contain the following statements:

(1) A statement that the candidate has attached either of the following to the declaration:

(A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(2) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(4) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subsection.

SECTION 63. IC 3-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent must include a statement that the

candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent.

(c) A candidate's consent must contain the following statements:

(1) A statement that the candidate has attached either of the following to the consent:

(A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(2) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(4) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subsection.

SECTION 64. IC 33-42-4-1, AS AMENDED BY HEA 1041-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

(1) Notaries public.

(2) An official court reporter acting under IC 33-41-1-6.

~~(2)~~ **(3)** Justices and judges of courts, in their respective jurisdictions.

~~(3)~~ **(4)** The secretary of state.

~~(4)~~ **(5)** The clerk of the supreme court.

~~(5)~~ **(6)** Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.

~~(6)~~ **(7)** Clerks of circuit courts and master commissioners, in their respective counties.

~~(7)~~ **(8)** Judges of United States district courts of Indiana, in their respective jurisdictions.

~~(8)~~ **(9)** United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.

~~(9)~~ **(10)** A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.

~~(10)~~ **(11)** A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.

~~(11)~~ **(12)** County auditors, in their respective counties.

~~(12)~~ **(13)** Any member of the general assembly anywhere in Indiana.

~~(13)~~ **(14)** The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard, for any purpose related to the service of an active or reserve duty member of the Indiana National Guard.

SECTION 65. IC 36-2-15-5, AS AMENDED BY P.L.146-2008, SECTION 693, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor,

including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

(1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or

(2) for a particular general election after January 1, ~~2012,~~ **2016,** the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser;

as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township.

SECTION 66. IC 36-4-1.5-2, AS AMENDED BY SEA 24-2014, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A town may be changed into a city through the following:

(1) The town legislative body must adopt a resolution submitting to the town's voters the question of whether the town should be changed into a city. The town legislative body shall adopt a resolution described in this subdivision if at least the number of registered voters of the town equal to ten percent (10%) of the total votes cast in the town at the last election for secretary of state sign a petition requesting the town legislative body to adopt such a resolution. In determining the number of signatures required under this subdivision, any fraction that exceeds a whole number shall be disregarded.

(2) The town legislative body must adopt the resolution under subdivision (1) not later than thirty (30) days after the date on which a petition having a sufficient number of signatures is filed. A resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city as follows:

(A) If the election is to be on the same date as a general election or municipal election:

(i) the resolution must state that fact and be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3.~~ **IC 3-10-9.**

(B) If the election is to be a special election, the date must be:

(i) not less than ~~thirty (30)~~ **seventy-four (74)** and not more than ~~sixty (60)~~ **one hundred four (104)** days after the notice of the election; and

(ii) not later than the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3.~~ **IC 3-10-9.**

(3) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of _____ change into a city?".

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

SECTION 67. IC 36-5-1-8, AS AMENDED BY P.L.147-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The county executive may approve a petition for incorporation only if it finds all of the following:

(1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.

(2) That the proposed town is reasonably compact and contiguous.

(3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.

(4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:

(A) Police protection.

(B) Fire protection.

(C) Street construction, maintenance, and lighting.

(D) Sanitary sewers.
(E) Storm sewers.
(F) Health protection.
(G) Parks and recreation.
(H) Schools and education.
(I) Planning, zoning, and subdivision control.
(J) One (1) or more utility services.
(K) Stream pollution control or water conservation.

(5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.

(6) That incorporation is in the best interest of the territory involved. This finding must include a consideration of:

(A) the expected growth and governmental needs of the area surrounding the proposed town;

(B) the extent to which another unit can more adequately and economically provide essential services and functions; and

(C) the extent to which the incorporators are willing to enter into agreements under IC 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements.

(b) If the county executive determines that the petition satisfies the requirements set forth in subsection (a), the county executive may do any of the following:

(1) Adopt an ordinance under section 10.1 of this chapter incorporating the town.

(2) Deny the petition.

(3) Adopt a resolution to place a public question concerning the incorporation on the ballot at an election. The county executive shall request a date for the election as follows:

(A) If the county executive requests the public question be on the same date as a general election or primary election:

(i) the resolution must state that the election is to be on the same date as a general or primary election, and must be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general election or primary election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.

(B) If a petition contains a request for a special election, the county executive may request that the public question concerning the incorporation will be on the ballot of a special election. An election may be considered a special election only if it is conducted on a date other than the date of a general election or primary election. The date of the special election must be:

(i) at least ~~thirty (30)~~ **seventy-four (74)** and not more than ~~sixty (60)~~ **one hundred four (104)** days after the notice of the election is filed under IC 3-10-8-4; and

(ii) not later than the next general election or primary election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.

If the public question is on the ballot of a special election, the petitioners shall pay the costs of holding the special election.

If the county executive adopts a resolution under this subdivision, the county executive shall file the resolution and the petition with the circuit court clerk of each county that contains any part of the territory sought to be incorporated.

(c) After a resolution is filed with a circuit court clerk under subsection (b)(3), the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot:

"Shall (insert a description of the territorial boundaries) be incorporated as a town?".

Only the registered voters residing within the territory of the proposed town may vote on the public question.

(d) Not earlier than sixty (60) days and not later than thirty (30) days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include the following:

(1) A description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town.

(2) The information provided under section 3(3) through 3(6) of this chapter.

(3) The name, telephone number, and electronic mail address (if available) of the contact person for the petitioners.

(4) A statement that the petition is available for inspection and

copying in the office of the circuit court clerk of each county where the proposed town is located.

The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

(e) If a majority of the voters residing within the territory of the proposed town:

(1) vote "no" on the public question, the territory is not incorporated as a town, and a new petition for incorporation may not be filed within the period set forth in section 9 of this chapter; or

(2) vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance under section 10.1 of this chapter.

(f) The circuit court clerk shall certify the results of a public question under this section to the following:

(1) The county executive of each county in which the proposed incorporated territory is located.

(2) The county auditor of each county in which the proposed incorporated territory is located.

(3) The department of local government finance.

(4) The department of state revenue.

(5) The state board of accounts.

(6) The office of the secretary of state.

(7) The office of census data established by IC 2-5-1.1-12.2.

SECTION 68. **An emergency is declared for this act.**

P.L.77-2014
[H.1346. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**

(1) board of county commissioners, for a county ~~not having~~ **that:**

(A) does not have a consolidated city; **and**

(B) is not subject to IC 36-2-2.5;

(2) single county executive elected under IC 3-10-2-13, for a county that:

(A) does not have a consolidated city; and

(B) is subject to IC 36-2-2.5;

~~(2)~~ **(3)** mayor of the consolidated city, for a county having a consolidated city;

~~(3)~~ **(4)** mayor, for a city;

~~(4)~~ **(5)** president of the town council, for a town; or

~~(5)~~ **(6)** trustee, for a township.

SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. **(a)** A candidate for the office of county commissioner must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies only to elections in a county in which a single county executive under IC 36-2-2.5 is elected under IC 3-10-2-13. A candidate for the office of single county executive must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of

the State of Indiana.

SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.6-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

[] (1) AB_____

[] (2) CD_____

[] (3) EF _____

[] (4) GH_____

(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

(c) The local public questions described in subsection (b) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) as provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form

specified in IC 3-11-14-3.5.

(d) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)
"Shall (insert public question)?"

[] YES
[] NO

(e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:
(A) President of the United States.
(B) United States Senator.
(C) Governor.
(D) United States Representative.

(2) Legislative offices:
(A) State senator.
(B) State representative.

(3) Circuit offices and county judicial offices:
(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
(C) Judge of the probate court.
(D) Prosecuting attorney.
(E) Circuit court clerk.

(4) County offices:
(A) County auditor.
(B) County recorder.
(C) County treasurer.
(D) County sheriff.
(E) County coroner.
(F) County surveyor.
(G) County assessor.
(H) County commissioner. **This clause applies only to a county that is not subject to IC 36-2-2.5.**

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

~~(I)~~ **(J)** County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(f) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (e):

(1) Precinct committeeman.

(2) State convention delegate.

(g) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (f).

(h) The offices described in subsection (g) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (f) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.
(2) County auditor.
(3) County recorder.
(4) County treasurer.
(5) County sheriff.
(6) County coroner.
(7) County surveyor.
(8) County assessor.
(9) County commissioner. **This subdivision applies only to a county that is not subject to IC 36-2-2.5.**
(10) Single county executive. This subdivision applies only to a county that is subject to IC 36-2-2.5.
~~(10)~~ **(11)** County council member.
~~(11)~~ **(12)** Township trustee.
~~(12)~~ **(13)** Township board member.
~~(13)~~ **(14)** Township assessor (only in a township referred to in IC 36-6-5-1(d)).
~~(14)~~ **(15)** Judge of a small claims court.
~~(15)~~ **(16)** Constable of a small claims court.

SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.6-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

(1) Federal and state offices:
(A) President and Vice President of the United States.
(B) United States Senator.
(C) Governor and lieutenant governor.
(D) Secretary of state.
(E) Auditor of state.
(F) Treasurer of state.
(G) Attorney general.
(H) Superintendent of public instruction.
(I) United States Representative.
(2) Legislative offices:

(A) State senator.
(B) State representative.
(3) Circuit offices and county judicial offices:
(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
(C) Judge of the probate court.
(D) Prosecuting attorney.
(E) Clerk of the circuit court.
(4) County offices:
(A) County auditor.
(B) County recorder.
(C) County treasurer.
(D) County sheriff.
(E) County coroner.
(F) County surveyor.
(G) County assessor.
(H) County commissioner. **This clause applies only to a county that is not subject to IC 36-2-2.5.**
(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
~~(I)~~ **(J)** County council member.
(5) Township offices:
(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
(B) Township trustee.
(C) Township board member.
(D) Judge of the small claims court.
(E) Constable of the small claims court.
(6) City offices:
(A) Mayor.
(B) Clerk or clerk-treasurer.
(C) Judge of the city court.
(D) City-county council member or common council member.
(7) Town offices:

(A) Clerk-treasurer.
(B) Judge of the town court.
(C) Town council member.

SECTION 6. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive" means the:

(1) board of commissioners of a county ~~not having~~ **that:**
(A) does not have a consolidated city; **and**
(B) is not subject to IC 36-2-2.5;
(2) single county executive elected under IC 3-10-2-13, for a county that:
(A) does not have a consolidated city; and
(B) is subject to IC 36-2-2.5;
~~(2)~~ **(3)** mayor of the consolidated city, for a county having a consolidated city;
~~(3)~~ **(4)** mayor of a city; or
~~(4)~~ **(5)** president of the town council of a town.

SECTION 7. IC 20-24-2.3-2, AS ADDED BY P.L.280-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "executive" has the meaning set forth in ~~IC 36-1-2-5(2).~~ **IC 36-1-2-5(3).**

SECTION 8. IC 35-51-36-1, AS AMENDED BY P.L.132-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 36:

IC 36-2-2-13 (Concerning county government).
IC 36-2-2.5-15 (Concerning single county executives).
IC 36-2-6-8 (Concerning county government).
IC 36-2-6-12 (Concerning county government).
IC 36-2-7-18 (Concerning county government).
IC 36-2-8-6 (Concerning county government).
IC 36-2-9-13 (Concerning county government).
IC 36-2-9-14 (Concerning county government).
IC 36-2-9.5-7 (Concerning county government).
IC 36-2-9.5-9 (Concerning county government).
IC 36-2-13-5 (Concerning county government).
IC 36-2-14-10 (Concerning county government).
IC 36-2-14-17 (Concerning county government).

IC 36-2-14-21 (Concerning county government).
IC 36-4-8-13 (Concerning government of cities and towns).
IC 36-7-12-27.5 (Concerning planning and development).
IC 36-7-14-40 (Concerning planning and development).
IC 36-7-15.1-27 (Concerning planning and development).
IC 36-7-30-28 (Concerning planning and development).
IC 36-7-30.5-36 (Concerning planning and development).
IC 36-8-3.5-23 (Concerning public safety).
IC 36-8-10-9 (Concerning public safety).
IC 36-8-16.7-41 (Concerning public safety).
IC 36-8-16.7-45 (Concerning public safety).
IC 36-8-16.7-46 (Concerning public safety).
IC 36-9-14-7 (Concerning transportation and public works).
IC 36-10-3-39 (Concerning recreation, culture, and community facilities).
IC 36-10-4-5 (Concerning recreation, culture, and community facilities).
IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 9. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

(1) board of commissioners, for a county ~~not having~~ **that:**

(A) does not have a consolidated city; **and**

(B) is not subject to IC 36-2-2.5;

(2) single county executive elected under IC 3-10-2-13, for a county that:

(A) does not have a consolidated city; and

(B) is subject to IC 36-2-2.5;

~~(2)~~ **(3)** mayor of the consolidated city, for a county having a consolidated city;

~~(3)~~ **(4)** mayor, for a city;

~~(4)~~ **(5)** president of the town council, for a town;

~~(5)~~ **(6)** trustee, for a township;

~~(6)~~ **(7)** superintendent, for a school corporation; or

~~(7)~~ **(8)** chief executive officer, for any other political subdivision.

SECTION 10. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means the:

(1) board of county commissioners, for a county not subject to **IC 36-2-2.5,** IC 36-2-3.5, or IC 36-3-1;

(2) county council, for a county subject to **IC 36-2-2.5 or** IC 36-2-3.5;

(3) city-county council, for a consolidated city or county having a consolidated city;

(4) common council, for a city other than a consolidated city;

(5) town council, for a town;

(6) township board, for a township;

(7) governing body of any other political subdivision that has a governing body; or

(8) chief executive officer of any other political subdivision that does not have a governing body.

SECTION 11. IC 36-1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board" means **the:**

(1) board of commissioners, for a county:

(A) not having a consolidated city; **and**

(B) not subject to IC 36-2-2.5;

(2) single county executive for a county:

(A) not having a consolidated city; and

(B) subject to IC 36-2-2.5;

~~(2)~~ **(3)** board of public works or board of public works and safety, for a city; or

~~(3)~~ **(4)** town council, for a town.

SECTION 12. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

(1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;

(2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or

(3) comply with a statutory provision permitting a specific manner

for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

(1) In a municipality, by the legislative body of the municipality.

(2) In a county subject to **IC 36-2-2.5,** IC 36-2-3.5, or IC 36-3-1, by the legislative body of the county.

(3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 13. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as specifically provided,** this chapter ~~applies to all counties not~~ **does not apply to the following:**

(1) A county having a consolidated city.

(2) A county in which a single county executive has been elected and is serving under IC 36-2-2.5.

SECTION 14. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.4. Determination of County Government Structure

Sec. 1. This chapter applies only to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

Sec. 2. A public question shall be held in the county on whether the executive and legislative structure and functions of the county should be reorganized under IC 36-2-2.5.

Sec. 3. The county election board shall place the following public question on the ballot at the general election held in November 2014:

"Shall the county government of (insert the name of the county) County be reorganized to place all executive powers in a single county executive and to place all legislative and fiscal powers in the county council?".

Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

Sec. 5. If a majority of the voters of a county who vote on a public question placed on the ballot under this chapter vote in favor of the public question, the executive and legislative structure and functions of the county shall be reorganized under IC 36-2-2.5.

SECTION 15. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Single County Executive

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

(1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. In a county to which this chapter applies:

(1) the voters of the county:

(A) shall elect one (1) single county executive in the 2018 general election and every four (4) years thereafter; and

(B) beginning with the 2018 general election, shall not elect a board of county commissioners;

(2) the board of county commissioners for the county is abolished January 1, 2019;

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2018, expires January 1, 2019;

(4) the county council shall divide the county into nine (9) contiguous, single-member county council districts as required by IC 36-2-3-4.1; and

(5) beginning January 1, 2019, the county council must consist of nine (9) members elected from single-member county council districts.

Sec. 4. (a) The term of office of a single county executive is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(b) To be eligible for election as the single county executive, an

individual must meet the qualifications under IC 3-8-1-21. If an individual does not remain a resident of the county after taking office as the single county executive, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the single county executive forfeits the office under this subsection.

(c) If the office of single county executive becomes vacant, the county council shall appoint an individual to serve as the single county executive until the office is filled under IC 3-13.

Sec. 5. (a) On January 1, 2019, all property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the single county executive.

(b) The abolishment of the board of county commissioners of a county on January 1, 2019, does not invalidate any:

(1) ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before the board is abolished; or

(2) appointments made by the board of county commissioners before the board is abolished.

Sec. 6. (a) Notwithstanding any other provision, a single county executive has the power to make any appointments that the board of county commissioners made before the board was abolished.

(b) All powers and duties of the county that are executive or administrative in nature (including any power of appointment related to executive or administrative functions) shall be exercised or performed by the single county executive, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The single county executive shall transact the business of the county in the name of the county.

(c) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

(1) the Indiana Code;

(2) the Indiana Administrative Code;

(3) an ordinance or resolution; or

(4) any deed, lease, contract, or other official document or instrument;

to the board of county commissioners pertaining to the executive powers of a county shall be considered a reference to the single

county executive of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

(1) the Indiana Code;

(2) the Indiana Administrative Code;

(3) an ordinance or resolution; or

(4) any deed, lease, contract, or other official document or instrument;

related to the executive powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the single county executive of the county.

(e) For purposes of a county subject to this chapter, after December 31, 2018, the county council has the legislative and fiscal powers and duties of the county under IC 36-2-3.7.

Sec. 7. The single county executive shall do the following:

(1) Report on the condition of the county before March 1 of each year to the county legislative body and to the county residents.

(2) Recommend before March 1 of each year to the county legislative body any action or program the single county executive considers necessary for the improvement of the county and the welfare of county residents.

(3) Submit to the county legislative body an annual budget in accordance with IC 36-2-5.

(4) Establish procedures to be followed by all county departments, offices, and agencies under the single county executive's jurisdiction to the extent these procedures are not expressly assigned by law to another elected or appointed officer.

(5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.

(6) Supervise the care and custody of all county property.

(7) Supervise the collection of revenues, control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.

(8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report on and make recommendations concerning the services, finances, and programs to the county legislative body by March 15 of each year.

(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year, and include a copy of the settlement sheet in the order book of the single county executive.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The single county executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the single county executive by statute or ordinance.

Sec. 8. The single county executive may do any of the following:

(1) Order any department, office, or agency under the single county executive's jurisdiction to undertake any task for another department, office, or agency under the single county executive's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders

for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars ($1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The single county executive shall maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the county surveyor must be in the courthouse or at the county seat.

(c) Offices for the county sheriff may be located:

(1) in the courthouse;

(2) inside the corporate limits of the county seat; or

(3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The single county executive may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

(1) are not exclusive;

(2) are of a definite duration; and

(3) are assignable only with the consent of the single county executive.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the single county executive may grant the license, permit, or franchise only with the consent of the Indiana utility regulatory commission. The commission may give its consent only if the commission determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the

consent of the Indiana utility regulatory commission do not apply to municipally owned or operated utilities.

Sec. 11. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a single county executive shall instead take the action by issuing an executive order.

Sec. 12. (a) If the single county executive is disqualified from acting in a quasi-judicial proceeding, the single county executive shall cease to act in that proceeding. Not later than ten (10) days after the finding that the single county executive is disqualified to act in a proceeding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the single county executive, the judge shall appoint a disinterested and competent person to serve as a special executive in the proceeding.

(b) A person who consents to serve as a special executive must have the same qualifications as an elected single county executive. The person's appointment and oath shall be filed with the county auditor and entered on the records of the single county executive. A person appointed as a special executive may conduct the proceeding until a final determination is reached.

Sec. 13. The single county executive shall keep the single county executive's office open on each business day.

Sec. 14. Appointments made by the single county executive under section 6(a) of this chapter shall be attested to by the county auditor, under the seal of the single county executive.

Sec. 15. (a) The single county executive may employ a person:

(1) to perform a duty required of a county officer by statute; or

(2) on a commission or percentage basis;

only if the employment is expressly authorized by statute or is found by the single county executive to be necessary to the public interest.

(b) If a person's employment under subsection (a) is not expressly authorized by statute, the contract for the person's employment must be filed with the circuit court for the county, and the person must file the person's claims for compensation with that court. Any taxpayer may contest a claim under this section.

(c) A single county executive who knowingly, intentionally, or

recklessly violates this section commits a Class C misdemeanor and forfeits the single county executive's office.

Sec. 16. (a) If a party to a proceeding before the single county executive is aggrieved by a decision of the single county executive, the party may appeal that decision to the circuit court for the county.

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

(1) specifically setting forth the person's interest in the matter decided; and

(2) alleging that the person is aggrieved by the decision of the single county executive.

(c) An appeal under this section must be taken not later than thirty (30) days after the single county executive makes the decision by which the appellant is aggrieved.

(d) An appellant under this section must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the single county executive related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 17. (a) An appeal under section 16 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 16 of this chapter by:

(1) affirming the decision of the single county executive; or

(2) remanding the cause to the single county executive with directions as to how to proceed;

and may require the single county executive to comply with this decision.

Sec. 18. (a) The county auditor or the single county executive may administer any oaths required by this chapter.

(b) The sheriff or a county police officer may attend any meeting with the single county executive at the request of the single county executive.

Sec. 19. (a) Appointments made by the single county executive shall be certified by the county auditor, under the seal of the single county executive.

(b) If a copy of the single county executive's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the single county executive's proceedings.

Sec. 20. (a) The single county executive may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, employment by a single county executive as an attorney does not constitute a lucrative office.

SECTION 16. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.7. Reversion to Previous County Government Structure

Sec. 1. This chapter applies only to a county that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. A county that elects a single county executive under IC 36-2-2.5 may, as provided in this chapter, revert to a county government structure that has a board of county commissioners rather than a single county executive.

Sec. 4. (a) Subject to subsection (b), the county council may adopt an ordinance providing that the voters of the county shall elect:

(1) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and

(2) a county council that has the fiscal powers and duties of the county.

(b) An ordinance described in subsection (a) may be adopted under this chapter only:

(1) during an odd-numbered year; or

(2) before July 1 of an even-numbered year.

(c) If an ordinance is adopted under this section:

(1) the county auditor shall certify the adoption of the ordinance to the county election board; and

(2) a vote on a public question shall be held in the county under section 5 of this chapter on whether the executive and legislative structure and functions of the county should be reorganized under section 6 of this chapter.

Sec. 5. (a) If an ordinance is certified under section 4 of this chapter, the county election board shall place the following public question on the ballot at the next general election held in the county after the ordinance is certified:

"Shall the county government of (insert the name of the county) County be reorganized to elect a board of county commissioners rather than a single county executive?".

(b) IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(c) If a majority of the voters of a county who vote on a public question placed on the ballot under this section vote in favor of the public question, the executive and legislative structure and functions of the county shall be reorganized under section 6 of this chapter.

Sec. 6. The following apply if a majority of the voters of a county who vote on a public question placed on the ballot under section 5 of this chapter vote in favor of the public question:

(1) The executive, the executive and legislative structure, and the functions of the county are reorganized as provided in this section.

(2) The voters of the county shall elect:

(A) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and

(B) a county council that has the fiscal powers and duties of the county.

(3) The office of the board of county commissioners shall be

placed on the primary election ballot for the county in the year of the second general election after the public question is approved. The office of single county executive shall not be placed on the primary election ballot for the county in the year of the second general election after the public question is approved.

(4) The office of the board of county commissioners shall be placed on the general election ballot for the county at the second general election after the public question is approved and, except as provided in subdivision (6) to provide for staggered terms, every four (4) years thereafter. Beginning with the second general election after the public question is approved, the county shall not elect a single county executive.

(5) On January 1 in the year following the year that the board of county commissioners is elected under this chapter, the following occur:

(A) The office of single county executive is abolished, and the term of the single county executive expires.

(B) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.

(C) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.

(D) The county legislative body is the board of county commissioners, and all powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.

(E) The county council is the county fiscal body.

(F) All property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the single county executive are transferred to or assumed by the board of county commissioners.

(6) Notwithstanding IC 36-2-2-3, to provide for staggered terms of the members of the board of county commissioners elected after the structure and functions of the county are reorganized under this chapter, the county council may, before the primary election described in subdivision (3), adopt an ordinance specifying which of the three (3) board of county

commissioner members to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.

(7) The abolishment of the office of the single county executive on January 1 following the year in which the board of county commissioners is elected does not invalidate:

(A) any resolutions, fees, schedules, or other actions adopted or taken by the single county executive before the office is abolished; or

(B) any appointments made by the single county executive before the office is abolished.

(8) Effective with the second general election after the public question is approved under section 5 of this chapter, the county council shall be elected with four (4) single-member county council districts and three (3) at-large members under IC 36-2-3-4. The county council shall divide the county into the four (4) contiguous, single-member county council districts in the manner specified in IC 36-2-3-4. The terms of all county council members serving at the time of the second general election after the public question is approved under section 5 of this chapter expire January 1 following the election. Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the primary election preceding the general election at which county council members will be elected as provided in this subdivision, adopt an ordinance specifying which of the members of the county council to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.

SECTION 17. IC 36-2-3-4, AS AMENDED BY P.L.271-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

Except as provided in section 4.1 of this chapter, the county

executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) Except as provided by subsection (g), a division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any

odd-numbered year not described in subsection (e). **In a county in which a public question is approved under IC 36-2-2.7-5, a division under subsection (a) shall be made by the county council during the year before county council members will be elected under IC 36-2-2.7-6(8).**

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive, county redistricting commission, or county fiscal body determines that a division under subsection (e) is not required, the county executive, county redistricting commission, or county fiscal body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive, county redistricting commission, or county fiscal body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

(1) adopted under subsection (e) or (f); or

(2) recertified under subsection (g).

(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 18. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) This section applies only to a county:**

(1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

(b) Effective for the 2018 general election, the county fiscal body shall by ordinance divide the county into nine (9) contiguous, single-member districts that comply with subsection (c). One (1) member of the fiscal body shall be elected by the voters of each of the nine (9) districts.

(c) Single-member districts established under subsection (b) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population;

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section;

(5) consider how communities of interest within the county can best be represented; and

(6) be drawn so as to provide at least one (1) representative to each distinct community of interest to the extent practicable and not inconsistent with other applicable law.

(d) A division under subsection (b) shall be made:

(1) effective for the 2018 general election; and

(2) whenever the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(e) After a division is initially made under subsection (b), another division may be made in any odd-numbered year not described in subsection (d).

SECTION 19. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.7. County Council as the County Legislative Body

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

(1) having a population of more than three hundred thousand

(300,000) but less than four hundred thousand (400,000); and

(2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. (a) In a county to which this chapter applies:

(1) the voters of the county shall continue to elect members of the county council;

(2) beginning on January 1, 2019:

(A) the executive and legislative powers of the county are divided between separate branches of county government, and a power belonging to one (1) branch of county government may not be exercised by the other branch of county government;

(B) the county council is the county legislative body as well as the county fiscal body; and

(C) the single county executive is the county executive of the county and has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5; and

(3) the county council must consist of nine (9) members elected by the voters of each of the nine (9) districts.

(b) The following apply in a county to which this chapter applies:

(1) Nine (9) county council members shall be elected at the 2018 general election.

(2) The terms of all county council members serving on December 31, 2018, expire January 1, 2019.

(3) Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the 2018 primary election, adopt an ordinance specifying which of the nine (9) members of the county council to be elected at the 2018 general election shall serve an initial term of two (2) years rather than four (4) years.

Sec. 4. (a) All powers and duties of the county that are legislative in nature, including any power of appointment related to legislative functions, shall be exercised or performed by the county council

functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the board of county commissioners in the county had before the board of county commissioners was abolished.

(c) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

(1) the Indiana Code;

(2) the Indiana Administrative Code;

(3) an ordinance or resolution; or

(4) any deed, lease, contract, or other official document or instrument;

to the board of county commissioners pertaining to the legislative powers of a county shall be considered a reference to the county council of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

(1) the Indiana Code;

(2) the Indiana Administrative Code;

(3) an ordinance or resolution; or

(4) any deed, lease, contract, or other official document or instrument;

related to the legislative powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the county council of the county.

Sec. 5. The county council may do any of the following:

(1) Establish committees that are necessary to carry out the county council's functions.

(2) Employ legal and administrative personnel necessary to carry out the county council's functions.

(3) Pass all ordinances, orders, resolutions, and motions for the government of the county, in the manner prescribed by IC 36-2-4.

(4) Receive gifts, bequests, and grants from public or private sources.

(5) Conduct investigations into the conduct of county business for the purpose of correcting deficiencies and ensuring adherence to law and county ordinances and policies.

(6) Establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient

county government.

SECTION 20. IC 36-2-4-8, AS AMENDED BY P.L.159-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to **IC 36-2-2.5 or** IC 36-2-3.5 and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

(1) the county executive proclaims the urgent necessity; and

(2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) The following apply in addition to the other requirements of this section:

(1) An ordinance or resolution passed by the legislative body of a county subject to **IC 36-2-2.5 or** IC 36-2-3.5 is considered adopted only if it is:

(A) approved by signature of a majority of the county executive **(in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5);**

(B) neither approved nor vetoed by a majority of the executive **(in the case of a county subject to IC 36-2-3.5) or by the single county executive (in the case of a county subject to IC 36-2-2.5),** within ten (10) days after passage by the legislative body; or

(C) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(2) Subject to subsection (g), the legislative body of a county shall:

(A) subject to subdivision (3), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental

restrictive ordinance; and

(B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

(3) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A).

(4) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (2).

(5) The failure of an environmental restrictive ordinance to comply with subdivision (4) does not void the ordinance.

(d) After an ordinance or resolution passed by the legislative body of a county subject to **IC 36-2-2.5 or** IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

(1) approve the ordinance or resolution, by signature of a majority of the executive **(in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5),** and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section (other than subsection (c)(2)) does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision

(1).

(g) The notice requirements of subsection (c)(2) apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection (c)(2) as part of a risk based remediation proposal:

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 21. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.

(b) A town subject to this chapter may be dissolved if the county election board of the county in which the greatest percentage of population of the town is located conducts a public hearing and finds that the town has not elected town officers or had a functioning town government during the preceding ten (10) years.

(c) The county election board shall certify the board's findings to the county executive, who may adopt an ordinance or (in a county subject to **IC 36-2-2.5 or** IC 36-2-3.5) issue an order to dissolve the town.

SECTION 22. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

(1) Board of commissioners, for a county not subject to **IC 36-2-2.5,** IC 36-2-3.5, or IC 36-3-1.

(2) County council, for a county subject to **IC 36-2-2.5 or** IC 36-2-3.5.

(3) City-county council, for a consolidated city or county having a consolidated city.

(4) Common council, for a city other than a consolidated city.

(5) Town council, for a town.

(6) Trustee and township board, for a civil or school township.

(7) Board of school trustees, board of school commissioners, or school board, for a school corporation.

(8) Board of trustees, for a health and hospital corporation.

SECTION 23. IC 36-9-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a

county having a consolidated city **or as provided in subsection (d),** the drainage board consists of either:

(1) the county executive; or

(2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

(c) In a county having a consolidated city, the department of public works of the consolidated city has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23.

(d) The following apply in a county that is subject to IC 36-2-2.5:

(1) The drainage board consists of:

(A) the single county executive; and

(B) two (2) or four (4) persons (as determined by the single county executive) who are appointed by the single county executive.

(2) Appointees under subdivision (1)(B) must be resident freeholders of the county who are knowledgeable in drainage matters.

(3) The freeholders appointed to the drainage board serve for terms of three (3) years, with the freeholders' initial appointments made so as to provide for staggering of terms on an annual basis.

(4) The county surveyor serves on the drainage board as an ex officio, nonvoting member.

(5) The terms of members serving on the drainage board at the time the first single county executive is elected under IC 36-2-2.5 expire on January 1, 2019, and the single county

executive shall make the appointments to the board as provided in this subsection.

SECTION 24. **An emergency is declared for this act.**

P.L.78-2014
[H.1347. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 5-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A commission is hereby created in each county of the state which shall be known as the county commission of public records of _____ county.

(b) The county commission shall consist, ex officio, of the judge of the circuit court, the president of the board of county commissioners, the county auditor, the clerk of the circuit court, the county recorder, the superintendent of schools of the school district in which the county seat is located and the city controller of the county seat city, and if there is no city controller, then the clerk-treasurer of the county seat city or town shall be a member of such commission.

(c) The commission shall elect one (1) of its members to be chairman. ~~and the clerk of the circuit court shall be secretary.~~ **The clerk of the circuit court or the county recorder must be secretary of the commission. The person who serves as secretary shall be determined as follows:**

(1) By mutual agreement of the clerk of the circuit court and the county recorder.

(2) If a mutual agreement cannot be reached under subdivision (1), by an affirmative vote of a majority of members of the county commission.

The members of the county commission shall serve without compensation and shall receive no disbursement for any expense.

(d) The county commission shall meet at least one (1) time in each calendar year.

SECTION 2. IC 24-4.5-5-105 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 105. (1) For the purposes of IC 24-4.5-5-101 through IC 24-4.5-5-108:

(a) "disposable earnings" means that part of the earnings of an individual, including wages, commissions, income, rents, or profits remaining after the deduction from those earnings of amounts required by law to be withheld;

(b) "garnishment" means any legal or equitable proceedings through which the earnings of an individual are required to be withheld by a garnishee, by the individual debtor, or by any other person for the payment of a judgment; and

(c) "support withholding" means that part of the earnings that are withheld from an individual for child support in accordance with the laws of this state.

(2) Except as provided in subsection (8), the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment to enforce the payment of one (1) or more judgments against ~~him~~ **the individual** may not exceed **the lesser of the following amounts:**

(a) **An amount equal to** twenty-five percent (25%) of ~~his~~ **the individual's** disposable earnings for that week or, **upon a showing of good cause by the individual why the amount should be reduced, an amount equal to:**

(i) less than twenty-five percent (25%); and

(ii) at least ten percent (10%);

of the individual's disposable earnings for that week.

(b) The amount by which ~~his~~ **the individual's** disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the earnings are payable.

~~whichever is less.~~ In the case of earnings for a pay period other than a week, the earnings shall be computed upon a multiple of the federal minimum hourly wage equivalent to thirty (30) times the federal minimum hourly wage as prescribed in this section.

(3) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment or support withholding to enforce any order for the support of any person shall not exceed:

(a) where such individual is supporting ~~his~~ **the individual's** spouse or dependent child (other than a spouse or child with respect to whose support such order is used), fifty percent (50%) of such individual's disposable earnings for that week; and

(b) where such individual is not supporting such a spouse or dependent child described in subdivision (a), sixty percent (60%) of such individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the fifty percent (50%) specified in subdivision (a) shall be deemed to be fifty-five percent (55%) and the sixty percent (60%) specified in subdivision (b) shall be deemed to be sixty-five percent (65%), if and to the extent that such earnings are subject to garnishment or support withholding to enforce a support order with respect to a period which is prior to the twelve (12) week period which ends with the beginning of such workweek.

(4) No court may make, execute, or enforce an order or process in violation of this section.

(5) An employer who is required to make deductions from an individual's disposable earnings pursuant to a garnishment order or series of orders arising out of the same judgment debt (excluding a judgment for payment of child support) may collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars ($12) or three percent (3%) of the total amount required to be deducted by the garnishment order or series of orders arising out of the same judgment debt. If the employer chooses to impose a fee, the fee shall be allocated as follows:

(a) One-half (1/2) of the fee shall be borne by the debtor, and that amount may be deducted by the employer directly from the employee's disposable earnings.

(b) One-half (1/2) of the fee shall be borne by the creditor, and that amount may be retained by the employer from the amount otherwise due the creditor.

The deductions made under this subsection for a collection fee do not increase the amount of the judgment debt for which the fee is collected

for the purpose of calculating or collecting judgment interest. This fee may be collected by an employer only once for each garnishment order or series of orders arising out of the same judgment debt. The employer may collect the entire fee from one (1) or more of the initial deductions from the employee's disposable earnings. Alternatively, the employer may collect the fee ratably over the number of pay periods during which deductions from the employee's disposable earnings are required.

(6) The deduction of the garnishment collection fee under subsection (5)(a) or subsection (7) is not an assignment of wages under IC 22-2-6.

(7) An employer who is required to make a deduction from an individual's disposable earnings in accordance with a judgment for payment of child support may collect a fee of two dollars ($2) each time the employer is required to make the deduction. The fee may be deducted by the employer from the individual's disposable earnings each time the employer makes the deduction for support. If the employer elects to deduct such a fee, the amount to be deducted for the payment of support must be reduced accordingly if necessary to avoid exceeding the maximum amount permitted to be deducted under subsection (3).

(8) A support withholding order takes priority over a garnishment order irrespective of their dates of entry or activation. If a person is subject to a support withholding order and a garnishment order, the garnishment order shall be honored only to the extent that disposable earnings withheld under the support withholding order do not exceed the maximum amount subject to garnishment as computed under subsection (2).

SECTION 3. IC 32-30-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The clerk of a court shall enter in the civil order book all orders and decrees in any suit to quiet the title to real estate. After a court enters final judgment in a proceeding, the clerk shall certify a copy of the final judgment. ~~and deliver the certified copy to the county recorder.~~ The clerk shall include the costs of a transcript of the proceedings ~~and the recording fees~~ in the costs of the proceeding.

(b) The county recorder shall record the certified copy of the final judgment and shall collect any applicable recording fee.

~~(b)~~ **(c)** A county recorder shall procure a substantially bound book that is the size and quality of the county deed records. The book shall be known as the "Quiet Title Record". The Quiet Title Record must contain a transcript of each proceeding and an index to each transcript. The index must contain the following:

(1) An alphabetical list of plaintiffs.

(2) The date of filing of the transcript.

(3) The date of the final judgment.

(4) The date on which the final judgment was recorded.

(5) A brief description of the real estate that was the subject of the proceeding.

(6) The book and page on which the final judgment is recorded.

SECTION 4. IC 32-30-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Each clerk of the circuit court shall keep a ~~book in the office of the clerk called the~~ lis pendens record. The lis pendens record is a public record. **The clerk of the circuit court may keep the lis pendens record:**

(1) in hard copy form; or

(2) in electronic form, if all information in the lis pendens record is available to the public to inspect or copy in the electronic form.

SECTION 5. IC 33-31-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The ~~clerk and~~ sheriff shall attend the court. ~~and~~ **The clerk and the sheriff shall** discharge all the duties pertaining to their respective offices required by law in the circuit court.

(b) All laws:

(1) prescribing the duties and liability of the officers;

(2) prescribing the mode of proceeding against either or both of the officers for any neglect of official duty; and

(3) allowing fees and providing for the collection of the fees;

in the circuit court, extend to the probate court, as applicable.

SECTION 6. IC 33-32-2-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10. (a) This section applies whenever the clerk is required to send by registered or certified mail a document filed with a court.**

(b) The initial mailing of the document by registered or certified

mail sent:

(1) to each party who is required to receive the mailing; and

(2) to only one (1) of the party's addresses;

shall be paid out of court costs and fees collected under IC 33-37.

(c) If a person requests the clerk to send a mailing by registered or certified mail after the initial mailing described in subsection (b), the person shall pay the cost of the mailing.

(d) In a county where court postage costs are paid by the clerk's office, the amount collected by the clerk for additional mailings by registered or certified mail shall be deposited into the clerk's record perpetuation fund established under IC 33-37-5-2. In a county where court postage costs are paid out of the county general fund, the amount collected by the clerk for additional mailings by registered or certified mail shall be returned to the county general fund.

SECTION 7. IC 33-32-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The clerk shall endorse the time of filing on each writing required to be filed in the office of the clerk.

(b) The clerk shall carefully preserve in the office of the clerk all records and writings pertaining to the clerk's official duties.

(c) The clerk shall procure, at the expense of the county, all necessary judges' appearance, bar, judgment, and execution dockets, order books, and final record books.

(d) The clerk shall

~~(1) attend, in person or by deputy, the circuit court of the county; and~~

~~(2)~~ enter in proper record books all orders, judgments, and decrees of the court.

(e) Not more than fifteen (15) days after the cases are finally determined, the clerk shall enter in final record books a complete record of:

(1) all cases involving the title to land;

(2) all criminal cases in which the punishment is death or imprisonment, except where a nolle prosequi is entered or an acquittal is had; and

(3) all other cases, at the request of either party and upon payment of the costs.

SECTION 8. IC 33-32-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The clerk:

(1) shall keep a circuit court judgment docket; **and**

(2) is the official keeper of the circuit court judgment docket.

(b) A judgment docket:

(1) must contain:

(A) all civil judgments in which one (1) party owes money to another party, including any court costs awarded to a judgment creditor; and

(B) any entry that is required by a statute; and

(2) may not include:

(A) judgments in which money is owed by a person to a state, a county, or another governmental entity as a result of:

(i) a criminal conviction; or

(ii) a violation of an infraction or ordinance; or

(B) except for cases in which the state obtains a judgment for unpaid taxes, judgments in which a governmental entity is the sole creditor.

(c) The clerk may keep a judgment docket in:

(1) an electronic format;

(2) a paper format; or

(3) both an electronic and a paper format.

~~(b)~~ **(d)** Upon the filing in the office of the clerk a statement or transcript of any judgment for the recovery of money or costs, the clerk shall enter, and index in alphabetical order, in this judgment docket a statement of the judgment showing the following:

(1) The names of all the parties.

(2) The name of the court.

(3) The number of the cause.

(4) The book and page of the record in which the judgment is recorded.

(5) The date the judgment is entered and indexed.

(6) The date of the rendition of judgment.

(7) The amount of the judgment and the amount of costs.

~~(c)~~ **(e)** If a judgment is against several persons, the statement required to be entered under subsection ~~(b)~~ **(d)** shall be repeated under the name of each judgment debtor in alphabetical order.

~~(d)~~ **(f)** A person interested in any judgment for money or costs that has been rendered by any state court, or by any federal court of general original jurisdiction sitting in Indiana, may have the judgment entered upon the circuit court judgment docket by filing with the clerk:

(1) a **verified** statement setting forth the facts required under subsection ~~(b);~~ **(d);** or

(2) a ~~transcript~~ **verified copy** of the judgment certified under the ~~hand and~~ seal of the court that rendered the judgment.

(g) The judgment docket shall be made available for public inspection at the office of the clerk during regular office hours. If a judgment docket is kept in an electronic format:

(1) the judgment docket must be searchable; and

(2) a member of the public must be able to:

(A) search the judgment docket for the name of a specific party; and

(B) obtain a list of all judgments in the judgment docket concerning the party.

(h) If the wages of a judgment debtor are being garnished, a clerk is not required to notify the employer of the judgment debtor to suspend the garnishment after the judgment is satisfied. A request to suspend the garnishment must be submitted by the judgment debtor to the court that rendered the judgment. The clerk is not required to take any action under this subsection concerning a garnishment other than to obey the orders of the court that rendered the judgment.

SECTION 9. IC 33-32-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The clerk shall keep an execution docket.

(b) The clerk shall enter all executions on the execution docket as they are issued by the clerk, specifying in proper columns the following information:

(1) The names of the parties.

(2) The amount of the judgment and the interest due upon the issuing of the execution.

(3) The costs.

The clerk shall also prepare an additional column in which the clerk shall enter the return of the sheriff.

(c) The execution docket entries may be inspected and copied under

IC 5-14-3-3.

(d) The clerk may keep an execution docket:

(1) in hard copy form; or

(2) in electronic form, if all information in the execution docket is available to the public to inspect or copy in the electronic form.

SECTION 10. IC 33-32-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The clerk shall keep a register of witness fees and other court fees.

(b) When the clerk receives money in payment of court fees or fees for a witness or any other person, the clerk shall make an entry into the register recording the receipt of the payment.

(c) The register must contain the following information:

(1) The names, in alphabetical order, of persons for whom payment has been received.

(2) The cause for which the fee is paid.

(3) In which fee book and on which page the fee is taxed.

(4) The amount paid.

(5) When the fee was paid in and when it was paid out.

(d) The register must be ~~open~~ **available** for inspection at all times. ~~in a conspicuous place in the clerk's office.~~ **The clerk may keep the register:**

(1) in hard copy form, in a conspicuous place in the clerk's office; or

(2) in electronic form, if all information in the register is available to the public to inspect or copy in the electronic form.

SECTION 11. IC 33-33-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The ~~clerk and~~ sheriff shall attend the Allen superior court. ~~and~~ **The clerk and the sheriff shall** discharge all the duties pertaining to their respective offices as they are required to do by law in the circuit court.

(b) All laws prescribing the duties and liabilities of clerk and sheriff and the mode of proceeding against them, or either of them, for neglect of official duty, allowing fees, and providing for the collection fees in the circuit court, apply to the Allen superior court.

(c) In a case in the Allen superior court based upon a violation of a city ordinance where fines or forfeitures are adjudged against a party:

(1) the fines or forfeitures shall be paid to and collected by the clerk and regularly remitted to the city clerk of the city that issued the ordinance; and

(2) the city clerk shall disburse the fines or forfeitures as required by law.

Payment of fines for admitted parking violations shall be made to the city clerk of the city that issued the ordinances concerning parking violations.

SECTION 12. IC 33-33-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The clerk of the Bartholomew circuit court is the clerk of the Bartholomew superior courts, and the sheriff of Bartholomew County is the sheriff of the Bartholomew superior courts. The ~~clerk and~~ sheriff shall attend the courts. ~~and~~ **The clerk and the sheriff shall** discharge all the duties pertaining to their respective offices as they are required to do by law with reference to the Bartholomew circuit court.

SECTION 13. IC 33-33-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The clerk of the Cass circuit court shall serve as the clerk of each Cass superior court, and the sheriff of Cass County shall serve as the sheriff of each Cass superior court. ~~They~~ **The sheriff** shall attend the courts. ~~and~~ **The clerk and the sheriff shall** perform the same duties relating to their offices as they are required to do with respect to the Cass circuit court.

SECTION 14. IC 33-33-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The clerk of the Dubois circuit court shall serve as the clerk of the Dubois superior court, and the sheriff of Dubois County shall serve as the sheriff of the Dubois superior court. ~~They~~ **The sheriff** shall attend the court. ~~and~~ **The clerk and the sheriff shall** perform the same duties relating to their offices as they are required to do with respect to the Dubois circuit court.

SECTION 15. IC 33-33-79.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The clerk of the Tippecanoe circuit court shall be the clerk of superior court No. 2 of Tippecanoe County and the sheriff of Tippecanoe County shall be the sheriff of superior court No. 2 of Tippecanoe County. The ~~clerk and~~ sheriff shall attend court. ~~and~~ **The clerk and the sheriff shall** discharge all the duties pertaining to their respective ~~office~~ **offices** as

they are required to do by law with reference to the Tippecanoe circuit court.

(b) The judge of superior court No. 2 of Tippecanoe County shall appoint a bailiff and an official reporter for the court to serve during the court. The judge shall fix their compensation within the limits and in the manner provided by law concerning bailiffs and official court reporters. The compensation shall be paid monthly out of the treasury of Tippecanoe County, in the manner provided by law.

SECTION 16. IC 33-37-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~As used in this article,~~ "Clerk" refers to ~~any of~~ the following:

(1) For purposes of IC 33-37-1 through IC 33-37-11, a person who is any of the following:

~~(1)~~ **(A)** A clerk of a circuit court under IC 33-32-2-1.

~~(2)~~ **(B)** The clerk of a city or town court under IC 33-35.

~~(3)~~ **(C)** The judge of a city or town court that does not have a clerk.

(2) For purposes of IC 33-37-12, a person who is a clerk of a circuit court under IC 33-32-2-1.

SECTION 17. IC 33-37-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 12. Circuit Court Clerk Administrative Fee

Sec. 1. (a) This chapter applies to any amount that the clerk of a circuit court is required to collect from a person, including:

(1) bail;

(2) a fine;

(3) a civil penalty;

(4) a court fee, court cost, or user fee imposed by the court; or

(5) a fee for the preparation, duplication, or transmission of a document.

(b) This chapter does not apply to child support funds received by the clerk of a circuit court under IC 33-32-4.

Sec. 2. If the amount collected by the clerk of the circuit court is more than the amount required, the clerk shall:

(1) retain the administrative fee described in section 3 of this chapter; and

(2) refund the excess amount.

Sec. 3. (a) The clerk of a circuit court may retain as an administrative fee an amount of up to three dollars ($3) from the excess amount collected by the clerk under section 2 of this chapter.

(b) The clerk shall deposit the amount retained as an administrative fee under subsection (a) in the clerk's record perpetuation fund established under IC 33-37-5-2.

SECTION 18. IC 33-38-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The clerk of the circuit court of the county in which the case is filed serves as the clerk of the court for a case heard by a private judge, and the sheriff of that county serves as the sheriff of the court for the case. The ~~clerk and the~~ sheriff shall attend the proceedings. ~~and~~ **The clerk and the sheriff shall** perform the same duties relating to their offices as are required for the circuit court of the county in which the case is filed.

(b) The clerk of the circuit court of the county in which the case is filed shall provide to a private judge for each case all books, dockets, papers, and printed blanks necessary to discharge the duties of the court.

SECTION 19. IC 34-35-5-2, AS AMENDED BY P.L.118-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Expenses to be paid under section 1 of this chapter include the following:

(1) The expense of keeping the prisoner, if any.

(2) The expense of transporting the prisoner to or from any penal institution.

(3) Any extraordinary expense for safekeeping the prisoner.

(4) The fee set by the venue court under IC 33-40-2-5 for pauper counsel, if counsel was appointed by that court.

(5) The expense of any mileage, meals, lodging, and per diems paid for or to jurors.

(6) The per diems paid jury administrators for drawing any special venire.

(7) The sum of five dollars ($5) for each day or part of a day a bailiff is engaged in assisting the court in the trial of the cause.

(8) The sum of eight dollars ($8) for each day or part of a day an official court reporter takes evidence or testimony before the judge or jury concerning the cause.

(9) The sum of ten dollars ($10) per day for each day of trial for use of facilities and utilities.

(10) The sum of five dollars ($5) for notifying the jury not to attend court after having been summoned in any cause.

(11) The amount of telephone or telegraph communications made by the court or authorized by it.

~~(12) The per diem allowed by law to the clerk of the court for attending court.~~

SECTION 20. IC 34-35-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~Except for the clerk,~~ Not more than one (1) per diem or charge for the official reporting or for use of facilities and utilities shall be made against any county of origin of the causes for the same day. However, if two (2) or more proceedings are conducted in two (2) or more separate causes from any county or counties of origin on the same day, the court shall allocate the charges for any such cause as it may determine. The per diem for ~~the clerk,~~ the official court reporter or bailiff shall be paid by the county of trial in the first instance and reimbursement for that payment may be obtained from the county of origin.

SECTION 21. IC 34-35-5-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. The clerk is entitled to collect two dollars ($2) from the county treasury for each calendar day on which the clerk or the clerk's deputy attends a court when it is occupied with business concerning change of venue. The payment authorized under this section is not affected by the number of items filed or the business transacted by the court on that day.~~

SECTION 22. IC 34-55-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) **Except as provided in subsection (b),** after a hearing of which the judgment debtor has been notified, the court may order:

(1) any property, income, or profits of the judgment debtor not exempt from execution or process, in the hands either of the judgment debtor or of any other person; or

(2) any debt due to the judgment debtor;

to be applied to the satisfaction of the judgment and forbid transfers of property and choses in action.

(b) If the judgment debtor has failed to comply with an agreed order in the action, after a hearing of which the judgment debtor

has been notified, the court shall order:

(1) any property, income, or profits of the judgment debtor not exempt from execution or process, in the hands either of the judgment debtor or of any other person; or

(2) any debt due to the judgment debtor;

to be applied to the satisfaction of the judgment and forbid transfers of property and choses in action.

~~(b)~~ **(c)** The judge ~~may~~ **shall** order that:

(1) the judgment or execution is a continuing lien upon the income or profits of the judgment debtor in the hands either of the judgment debtor or any other person, governmental officer, or corporation from the date the order is served upon the person, governmental officer, or corporation indebted to the judgment debtor to the extent that the lien, together with all similar liens, is permitted under IC 24-4.5-5-105; and

(2) the court may enforce all orders and decrees in the premises, by attachment or otherwise.

~~(c)~~ **(d)** A court in an action for proceedings supplementary to execution shall issue an order directing a depository financial institution (as defined in IC 28-9-2) to place a hold on a deposit account in which the judgment debtor has an interest, either individually or jointly with another person, whenever the conditions prescribed under IC 28-9-3-4(d)(1) through IC 28-9-3-4(d)(3) are met. An order issued under **this subsection:**

(1) is subject to the limitations as to duration of the restriction and the amount to be restricted as specified under IC 28-9-4-2; and

(2) may be terminated or modified to reflect valid exemptions of a depositor that the court has considered.

~~(d)~~ **(e)** If an order for the placing of a hold on a deposit account is issued under subsection ~~(c),~~ **(d),** a person whose deposit account is affected may request a hearing from the court on the matter of:

(1) the person's right to claim certain funds in the person's deposit account as exempt from garnishment; and

(2) whether the hold should be removed by the court.

~~(e)~~ **(f)** If a court receives a request for a hearing under subsection ~~(d),~~ **(e),** the court shall hold a hearing on the matter within five (5) days (excluding Saturdays, Sundays, and legal holidays) after the court receives the request.

~~(f)~~ **(g)** If a person whose deposit account is affected by the order issued under subsection ~~(c)~~ **(d)** files an affidavit with the court stating that the funds in the account are exempt from garnishment, the court may issue an order releasing the hold on the account without first conducting a hearing.

(h) If a court has issued a garnishment order to a third party and the garnishment order no longer applies to the third party due to a change in circumstances, the court may cancel the garnishment order and issue a new garnishment order to an appropriate third party, if all of the following conditions are met:

(1) The court has issued a garnishment order under subsection (a) or (b) with respect to a judgment debtor's income or profits in the hands of a third party.

(2) The judgment constitutes a continuing lien under subsection (c).

(3) Due to a change in circumstances, including a change of employment, the judgment debtor's income or profits are in the hands of a new third party not named in the garnishment order.

(4) The judgment creditor files a petition:

(A) notifying the court of the matters described in subdivisions (1) through (3); and

(B) informing the court of the name, address, and other relevant information concerning the new third party holding the judgment debtor's income and profits.

A court may issue a new garnishment order under this subsection without holding a hearing.

SECTION 23. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "commission" refers to the commission on courts established by IC 33-23-10-1.**

(b) The general assembly urges the legislative council to assign to the commission or another appropriate study committee the task of studying:

(1) small claims court administration;

(2) the jurisdictional amount in small claims actions; and

(3) venue and the distribution of judicial resources in small claims actions.

(c) If the commission or another appropriate committee is assigned the topic described in subsection (b), the commission or

committee shall issue to the legislative council a final report containing the commission's or committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(d) This SECTION expires January 1, 2015.

P.L.79-2014
[H.1370. Approved March 24, 2014.]

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 2-5-20-7, AS AMENDED BY P.L.122-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The commission shall study the following:

(1) Matters relating to veterans and veterans' affairs.

(2) Matters relating to the active and reserve members of the armed forces of the United States.

(b) The commission may study other topics assigned by the legislative council or as directed by the commission's chairman.

~~(c) The commission shall study veterans' procurement preferences and provide the legislative council with a report before November 1, 2011. The report must be in an electronic format under IC 5-14-6. As part of the study, the commission shall work with the Indiana department of administration created by IC 4-13-1-2.~~

SECTION 2. IC 6-1.1-10-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) Subject to the limitations contained in subsection (b) of this section, tangible property is exempt from property taxation if it is owned by any of the following organizations:

(1) The Young Men's Christian Association.

(2) The Salvation Army, Inc.
(3) The Knights of Columbus.
(4) The Young Men's Hebrew Association.
(5) The Young Women's Christian Association.
(6) A chapter or post of Disabled American Veterans of World War I or II.
(7) A chapter or post of the Veterans of Foreign Wars.
(8) A post of the American Legion.
(9) A post of the American War Veterans.
~~(10) A camp of United States Spanish War Veterans.~~
~~(11)~~ **(10)** The Boy Scouts of America, one (1) or more of its incorporated local councils, or a bank or trust company in trust for the benefit of one (1) or more of its local councils.
~~(12)~~ **(11)** The Girl Scouts of the U.S.A., one or more of its incorporated local councils, or a bank or trust company in trust for the benefit of one (1) or more of its local councils.

(b) This exemption does not apply unless the property is exclusively used, and in the case of real property actually occupied, for the purposes and objectives of the organization.

SECTION 3. IC 13-13-7-9, AS AMENDED BY P.L.6-2012, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The council shall do the following:

(1) Conduct ~~the following~~ studies **of**
~~(A) Study~~ issues designated by the legislative council.
~~(B) In 2011, study each program administered by the department for which the program's annual cost of administration exceeds the annual revenue generated by the program and evaluate whether to recommend measures to reduce or eliminate the excess cost.~~
~~(C) Study the following in 2012:~~
~~(i) The effectiveness of the electronic waste provisions of IC 13-20.5.~~
~~(ii) Appropriate guidelines for the Indiana recycling market development board for determining under IC 13-20.5-2-2 whether a manufacturer has made good faith progress to achieve substantial compliance with IC 13-20.5.~~

(2) Advise the commissioner on policy issues decided on by the

council.

(3) Review the mission and goals of the department and evaluate the implementation of the mission.

(4) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(6) Review and discuss various topics related to the Great Lakes and the Great Lakes watershed, including:

(A) the availability of federal funds for projects related to water quality, supply, and protection;

(B) the extent of water consumption and use from the Great Lakes, including the Great Lakes watershed;

(C) levels of water pollution and the sources affecting water quality of the Great Lakes, including the Great Lakes watershed;

(D) the impact of water quality and supply issues on recreational activities and natural habitats;

(E) the impact of invasive species on the Great Lakes and the Great Lakes watershed ecosystem;

(F) current laws and regulations affecting the Great Lakes, including the Great Lakes—St. Lawrence River Basin Water Resources Compact (IC 14-25-15);

(G) current laws, regulations, and infrastructure conditions affecting shipping in the Great Lakes; and

(H) other matters relevant to the condition of the Great Lakes and the Great Lakes Watershed.

(7) Submit a final report to the legislative council, in an electronic format under IC 5-14-6, that contains at least the following:

(A) An outline of activities of the council.

(B) Recommendations for department action.

(C) Recommendations for legislative action.

SECTION 4. IC 13-17-3-4, AS AMENDED BY P.L.13-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2

that are:

(1) consistent with the general intent and purposes declared in IC 13-17-1 and section 1 of this chapter; and

(2) necessary to the implementation of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).

(b) Notwithstanding IC 13-15-5, the board may adopt rules under IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on permits and permit modifications to become effective immediately, regardless of whether a thirty (30) day comment period is held on the permits or permit modifications. The board may adopt rules under this subsection only after considering the:

(1) environmental significance of;

(2) federal requirements for federally delegated or approved programs concerning; and

(3) need for opportunity for public participation on;

the permits or permit modifications.

(c) The board may adopt rules to require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with emissions and other performance standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may amend 326 IAC 2-6 to allow the department to request hazardous air pollutant emissions data from individual sources for the purpose of site specific studies of hazardous air pollutant:

(1) emissions; and

(2) impacts.

(d) The board may amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions (as defined by 42 U.S.C. 7412(b)). ~~However, the rules amended or adopted by the board under this subsection may not require sources to report hazardous air pollutant emissions before January 1, 2004.~~

P.L.80-2014
[S.1. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-3-7.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.2. (a) This section applies in a county in which an exemption ordinance adopted under this section is in effect in the county for those assessment dates occurring:**

(1) after the later of:

(A) December 31, 2015; or

(B) the date on which the ordinance is adopted; and

(2) before the ordinance is rescinded.

(b) As used in this section, "affiliate" means an entity that effectively controls or is controlled by a taxpayer or is associated with a taxpayer under common ownership or control, whether by shareholdings or other means.

(c) As used in this section, "business personal property" means personal property that:

(1) is otherwise subject to assessment and taxation under this article;

(2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income; and

(3) was:

(A) acquired by the taxpayer in an arms length transaction from an entity that is not an affiliate of the taxpayer, if the personal property has been previously used in Indiana before being placed in service in the county; or

(B) acquired in any manner, if the personal property has never been previously used in Indiana before being placed in service in the county.

The term does not include mobile homes assessed under IC 6-1.1-7, personal property held as an investment, or personal property that is assessed under IC 6-1.1-8 and is owned by a public utility subject to regulation by the Indiana utility regulatory commission. However, the term does include the personal property of a telephone company or a communications service provider if that personal property meets the requirements of subdivisions (1) through (3), regardless of whether that personal property is assessed under IC 6-1.1-8 and regardless of whether the telephone company or communications service provider is subject to regulation by the Indiana utility regulatory commission.

(d) As used in this section, "county income tax council" refers to the county income tax council established by IC 6-3.5-6-2 for a county.

(e) As used in this section, "exemption ordinance" refers to an ordinance adopted under subsection (f) by a county income tax council.

(f) The county income tax council may by a majority vote of the total votes allocated to the county income tax council adopt an ordinance to have the exemption under this section apply throughout the county.

(g) For purposes of adopting an exemption ordinance under this section, a county income tax council is comprised of the same members as the county income tax council that is established by IC 6-3.5-6-2 for the county, regardless of whether a county income tax is in effect in the county and regardless of which county income tax is in effect in the county. Except as otherwise provided in this section, the county income tax council shall use the same procedures that apply under IC 6-3.5-6 when acting under this section.

(h) Before adopting an exemption ordinance under this section, a county income tax council must conduct a public hearing on the proposed exemption ordinance. The county income tax council must publish notice of the public hearing in accordance with IC 5-3-1.

(i) The county income tax council shall provide a certified copy of an adopted exemption ordinance to the department of local government finance and the county auditor.

(j) Notwithstanding section 7 of this chapter, if:

(1) a county income tax council has adopted an exemption ordinance and this section applies to a county for a particular assessment date; and

(2) the acquisition cost of a taxpayer's business personal property in a county is less than twenty thousand dollars ($20,000) for that assessment date;

the taxpayer's business personal property in the county for that assessment date is exempt from taxation.

(k) A taxpayer that is eligible for the exemption under this section is not required to file a personal property return for the taxpayer's business personal property in the county for that assessment date. However, the taxpayer must, before May 15 of the calendar year in which the assessment date occurs, file with the county assessor an annual certification stating that the taxpayer's business personal property in the county is exempt from taxation under this section for that assessment date.

SECTION 2. IC 6-1.1-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 10.3. County Option Exemption of Business Personal Property

Sec. 1. As used in this chapter, "business personal property" means personal property that:

(1) is otherwise subject to assessment and taxation under this article; and

(2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income.

The term does not include mobile homes assessed under IC 6-1.1-7, personal property held as an investment, or personal property that is assessed under IC 6-1.1-8 and is owned by a public utility subject to regulation by the Indiana utility regulatory commission. However, the term does include the personal property of a telephone company or a communications service provider if that personal property meets the requirements of subdivisions (1) through (2), regardless of whether that personal property is assessed under IC 6-1.1-8 and regardless of whether the telephone company or communications service provider is subject to regulation by the Indiana utility regulatory commission.

Sec. 2. As used in this chapter, "county income tax council"

refers to the county income tax council established by IC 6-3.5-6-2 for a county.

Sec. 3. As used in this chapter, "exemption ordinance" refers to an ordinance adopted under section 5 of this chapter by a county income tax council.

Sec. 4. As used in this chapter, "new personal property" means business personal property that:

(1) a taxpayer places in service after the later of the date the exemption ordinance is adopted or a date specified in the exemption ordinance; and

(2) has not previously been used in Indiana before the taxpayer acquires the business personal property.

Sec. 5. (a) A county income tax council may adopt an exemption ordinance that exempts new personal property located in the county from property taxation as provided in section 6 of this chapter.

(b) For purposes of adopting an exemption ordinance under this chapter, a county income tax council is comprised of the same members as the county income tax council that is established by IC 6-3.5-6-2 for the county, regardless of whether a county income tax is in effect in the county and regardless of which county income tax is in effect in the county. Except as provided in this chapter, the county income tax council shall use the same procedures that apply under IC 6-3.5-6 when acting under this chapter.

(c) Before adopting an exemption ordinance under this section, a county income tax council must conduct a public hearing on the proposed exemption ordinance. The county income tax council must publish notice of the public hearing in accordance with IC 5-3-1.

(d) The county income tax council shall provide a certified copy of an adopted exemption ordinance to the department of local government finance and the county auditor.

Sec. 6. An exemption ordinance adopted under this chapter must exempt all new personal property.

Sec. 7. A county income tax council may repeal or amend an exemption ordinance. However, if a county income tax council repeals or amends an exemption ordinance, any new personal property that was exempt under the exemption ordinance on the date the new personal property was placed into service by a

taxpayer remains exempt from property taxation, regardless of whether or not the ownership of the new personal property changes after the date the exemption ordinance is amended or repealed.

Sec. 8. A taxpayer is not required to file an application or a personal property tax return to qualify for an exemption under this chapter.

SECTION 3. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.288-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical

distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(b) The designating body must review the statement of benefits required under subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or

new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(c) Except as provided in subsection (f), and subject to subsection (g) and section 15 of this chapter, an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under section 17 **or 18** of this chapter. Except as provided in subsection (d) and in section 2(i)(3) of this chapter, and subject to subsection (g) and section 15 of this chapter, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the abatement schedule established under section 17 **or 18** of this chapter; multiplied by

(2) the percentage prescribed by the designating body under section 17 **or 18** of this chapter.

(d) With respect to new manufacturing equipment and new research

and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(e) The designating body shall determine the number of years the deduction is allowed under section 17 **or 18** of this chapter. ~~However,~~ **Except as provided by section 18 of this chapter,** the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(f) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a criminal violation under IC 13, including IC 13-7-13-3 (repealed) or IC 13-7-13-4 (repealed); or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(g) For purposes of subsection (c), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology

equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 4. IC 6-1.1-12.1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. Except as provided in section 12(f) of this chapter, if a county or municipality receives a reimbursement, repayment, or penalty from a taxpayer on account of the taxpayer's failure to comply with the statement of benefits provided by the taxpayer or on account of the taxpayer's failure to comply with any other requirement to receive a deduction under this chapter, the county or municipal fiscal officer shall distribute the amount of the reimbursement, repayment, or penalty on a pro rata basis to each taxing unit that contains the property that was subject to the deduction. The amount to be distributed to each taxing unit that contains the property that was subject to the deduction shall be determined according to the following formula:**

STEP ONE: Determine the total aggregate property tax rate imposed in the preceding year by the taxing unit.

STEP TWO: Determine the sum of the STEP ONE amounts for all taxing units that contain the property that was subject to the deduction.

STEP THREE: Divide the STEP ONE amount by the sum determined under STEP TWO.

STEP FOUR: Multiply the amount of the reimbursement, repayment, or penalty by the STEP THREE quotient.

SECTION 5. IC 6-1.1-12.1-17, AS AMENDED BY P.L.288-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

(1) The total amount of the taxpayer's investment in real and personal property.

(2) The number of new full-time equivalent jobs created.

(3) The average wage of the new employees compared to the state minimum wage.

(4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. **Except as provided in section 18 of this chapter,** an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

SECTION 6. IC 6-1.1-12.1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. (a) This section applies to a deduction provided under section 4.5 of this chapter for new personal property with respect to a statement of benefits approved after June 30, 2015.**

(b) As used in this section, "business personal property" means personal property that:

(1) is otherwise subject to assessment and taxation under this article; and

(2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income.

The term does not include mobile homes assessed under IC 6-1.1-7, personal property held as an investment, or personal property that is assessed under IC 6-1.1-8 and is owned by a public utility subject to regulation by the Indiana utility regulatory commission. However, the term does include the personal property of a telephone company or a communications service provider if that personal property meets the requirements of subdivisions (1) through (2), regardless of whether that personal property is assessed under IC 6-1.1-8 and regardless of whether the telephone company or communications service provider is subject to regulation by the Indiana utility regulatory commission.

(c) As used in this section, "new personal property" means business personal property that:

(1) a taxpayer places in service after the date the taxpayer's statement of benefits is approved by the designating body; and

(2) has not previously been used in Indiana before the taxpayer acquires the business personal property.

(d) A designating body may establish an enhanced abatement schedule for a deduction described in subsection (a). An enhanced abatement schedule established under this subsection:

(1) must specify the percentage amount of the deduction for each year of the deduction; and

(2) may not exceed twenty (20) years.

(e) If a taxpayer is granted a deduction under section 4.5 of this chapter on an abatement schedule that exceeds ten (10) years through an enhanced abatement schedule established under subsection (d), the designating body shall conduct a public hearing to review the taxpayer's compliance with the statement of benefits provided to the designating body under this chapter after the tenth year of the abatement.

SECTION 7. IC 6-1.1-37-7, AS AMENDED BY P.L.146-2008, SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars ($25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if the person fails to file the personal property return within thirty (30) days after the due

date. The amount of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

(b) For purposes of this section, a personal property return is not due until the expiration of any extension period granted by the township or county assessor under IC 6-1.1-3-7(b).

(c) The penalties prescribed under this section do not apply to an individual or the individual's dependents if the individual:

(1) is in the military or naval forces of the United States on the assessment date; and

(2) is covered by the federal Soldiers' and Sailors' Civil Relief Act.

(d) If a person subject to IC 6-1.1-3-7(d) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars ($25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) If a person required by IC 6-1.1-3-7.2(k) to file an annual certification with the county assessor fails to timely file the annual certification, the county auditor shall impose a penalty of twenty-five dollars ($25) that must be paid by the person with the next property tax installment that is collected.

~~(f)~~ **(g)** A penalty is due with an installment under subsection (a), (d),

~~or~~ (e), **or (f)** whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment.

SECTION 8. IC 6-2.5-5-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 49.5. (a) This section applies to a retail merchant engaged in selling bulk propane at retail in Indiana.**

(b) A retail merchant shall claim a credit against the state gross retail or use tax on a return filed by the retail merchant under IC 6-2.5-6-1 before June 30, 2014.

(c) The amount of the credit is equal to the result determined under the following STEPS:

STEP ONE: Determine (for each customer to whom the retail merchant sold bulk propane after December 31, 2013, and before April 1, 2014) the greater of zero (0) or the result of:

(A) the amount of state gross retail tax collected by the retail merchant after December 31, 2013, and before April 1, 2014, on the retail sale of bulk propane to the customer; minus

(B) the amount of state gross retail tax that would have been collected by the retail merchant after December 31, 2013, and before April 1, 2014, on the retail sale of bulk propane to the customer if the cost of that bulk propane had been two dollars and fifty cents ($2.50) per gallon.

STEP TWO: Determine the sum of the STEP ONE amounts for all customers of the retail merchant.

(d) A retail merchant that claims a credit under subsection (c) shall provide a credit to each customer of the retail merchant for whom an amount was determined under STEP ONE of subsection (c). The credit is equal to the amount determined under STEP ONE of subsection (c) for that customer. The credit under this subsection shall be applied to the next purchase of bulk propane by the customer from the retail merchant occurring after the retail merchant claims the credit under subsection (b).

(e) In order to compensate retail merchants for administering the credits provided to customers under this section, a retail merchant is entitled to deduct and retain an additional collection allowance from the amount of taxes otherwise required to be remitted by the retail merchant under IC 6-2.5. The amount of the

additional collection allowance is equal to:

(1) the amount of the credit claimed by the retail merchant as calculated under subsection (c); multiplied by

(2) one percent (1%).

(f) The department may audit credits claimed by a retail merchant under subsection (c) and the credits provided by a retail merchant under subsection (d).

(g) This section expires December 31, 2017.

SECTION 9. IC 6-3-2-1, AS AMENDED BY P.L.205-2013, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each taxable year, a tax at the following rate of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

(1) For taxable years beginning before January 1, 2015, three and four-tenths percent (3.4%).

(2) For taxable years beginning after December 31, 2014, and before January 1, 2017, three and three-tenths percent (3.3%).

(3) For taxable years beginning after December 31, 2016, three and twenty-three hundredths percent (3.23%).

(b) Except as provided in section 1.5 of this chapter, each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

(1) Before July 1, 2012, eight and five-tenths percent (8.5%).

(2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).

(3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).

(4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).

(5) After June 30, 2015, **and before July 1, 2016,** six and five-tenths percent (6.5%).

(6) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).

(7) After June 30, 2017, and before July 1, 2018, six percent (6.0%).

(8) After June 30, 2018, and before July 1, 2019, five and

seventy-five hundredths percent (5.75%).

(9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).

(10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).

(11) After June 30, 2021, four and nine-tenths percent (4.9%).

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede the month the rate changed by the rate in effect before the rate change.

STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow the month before the rate changed by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%).

SECTION 10. IC 6-5.5-2-1, AS AMENDED BY P.L.93-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is imposed on each taxpayer a franchise tax measured by the taxpayer's apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The amount of the tax for a taxable year shall be determined by multiplying the applicable rate under subsection (b) times the remainder of:

(1) the taxpayer's apportioned income; minus

(2) the taxpayer's deductible Indiana net operating losses as determined under this section; minus

(3) the taxpayer's net capital losses minus the taxpayer's net capital gains computed under the Internal Revenue Code for each taxable year or part of a taxable year beginning after December 31, 1989, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

A net capital loss for a taxable year is a net capital loss carryover to each of the five (5) taxable years that follow the taxable year in which the loss occurred.

(b) The following are the applicable tax rates to be used under subsection (a):

(1) For taxable years beginning before January 1, 2014, eight and five-tenths percent (8.5%).

(2) For taxable years beginning after December 31, 2013, and before January 1, 2015, eight percent (8.0%).

(3) For taxable years beginning after December 31, 2014, and before January 1, 2016, seven and five-tenths percent (7.5%).

(4) For taxable years beginning after December 31, 2015, and before January 1, 2017, seven percent (7.0%).

(5) For taxable years beginning after December 31, 2016, **and before January 1, 2019,** six and five-tenths percent (6.5%).

(6) For taxable years beginning after December 31, 2018, and before January 1, 2020, six and twenty-five hundredths percent (6.25%).

(7) For taxable years beginning after December 31, 2019, and before January 1, 2021, six percent (6.0%).

(8) For taxable years beginning after December 31, 2020, and before January 1, 2022, five and five-tenths percent (5.5%).

(9) For taxable years beginning after December 31, 2021, and before January 1, 2023, five percent (5.0%).

(10) For taxable years beginning after December 31, 2022, four and nine-tenths percent (4.9%).

(c) The amount of net operating losses deductible under subsection (a) is an amount equal to the net operating losses computed under the Internal Revenue Code, adjusted for the items set forth in IC 6-5.5-1-2, that are:

(1) incurred in each taxable year, or part of a year, beginning after December 31, 1989; and

(2) attributable to Indiana.

(d) The following apply to determining the amount of net operating losses that may be deducted under subsection (a):

(1) The amount of net operating losses that is attributable to Indiana is the taxpayer's total net operating losses under the Internal Revenue Code for the taxable year of the loss, adjusted for the items set forth in IC 6-5.5-1-2, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

(2) A net operating loss for any taxable year is a net operating loss carryover to each of the fifteen (15) taxable years that follow the taxable year in which the loss occurred.

(e) The following provisions apply to a combined return computing the tax on the basis of the income of the unitary group when the return is filed for more than one (1) taxpayer member of the unitary group for any taxable year:

(1) Any net capital loss or net operating loss attributable to Indiana in the combined return shall be prorated between each taxpayer member of the unitary group by the quotient of:

(A) the receipts of that taxpayer member attributable to Indiana under section 4 of this chapter; divided by

(B) the receipts of all taxpayer members of the unitary group attributable to Indiana.

(2) The net capital loss or net operating loss for that year, if any, to be carried forward to any subsequent year shall be limited to the capital gains or apportioned income for the subsequent year of that taxpayer, determined by the same receipts formula set out in subdivision (1).

SECTION 11. IC 36-7-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14.2. Tax Rate Limitation

Sec. 1. As used in this chapter, "property taxes" means:

(1) property taxes, as described in:

(A) IC 6-1.1-39-5(g);

(B) IC 36-7-14-39(a);

(C) IC 36-7-14-39.2;

(D) IC 36-7-14-39.3(c);

(E) IC 36-7-14.5-12.5;

(F) IC 36-7-15.1-26(a);

(G) IC 36-7-15.1-26.2(c);

(H) IC 36-7-15.1-53(a);

(I) IC 36-7-15.1-55(c);

(J) IC 36-7-30-25(a)(3);

(K) IC 36-7-30-26(c);

(L) IC 36-7-30.5-30; or

(M) IC 36-7-30.5-31; and

(2) for allocation areas created under IC 8-22-3.5, the taxes assessed on taxable tangible property in the allocation area.

Sec. 2. Notwithstanding any other law, for assessment dates for which an exemption under IC 6-1.1-3-7.2 applies in a county, a tax rate for property taxes described in section 1 of this chapter must be calculated by including in the base assessed value (for purposes of this section only) the amount of the assessed value that would otherwise have been included in the base assessed value if the exemption under IC 6-1.1-3-7.2 were not in effect for the assessment date.

SECTION 12. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "commission" refers to the commission on business personal property and business taxation established by subsection (b).**

(b) The commission on business personal property and business taxation is established.

(c) The commission consists of the following members:

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

(2) One (1) member of the senate appointed by the minority leader of the senate.

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

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

(5) The governor or the governor's designee. An individual designated by the governor under this subdivision must be a state employee.

(6) One (1) member who is nominated by the Association of Indiana Counties and is appointed jointly by the chairman and the vice chairman of the legislative council.

(7) One (1) member who is nominated by the Indiana Association of Cities and Towns and is appointed jointly by the chairman and the vice chairman of the legislative council.

(8) One (1) member who is nominated by the Indiana State Chamber of Commerce and is appointed jointly by the chairman and the vice chairman of the legislative council.

(9) One (1) member who is nominated by the Indiana Manufacturers Association and is appointed jointly by the

chairman and the vice chairman of the legislative council.

(10) One (1) member who is nominated by the Indiana Association of School Business Officials and is appointed jointly by the chairman and the vice chairman of the legislative council.

(11) One (1) member to represent agriculture who is appointed jointly by the chairman and the vice chairman of the legislative council.

(12) One (1) member who is nominated by the Indiana Association of Realtors and is appointed jointly by the chairman and the vice chairman of the legislative council.

(d) The president pro tempore of the senate shall appoint a legislative member of the commission to serve as chairperson of the commission. The speaker of the house of representatives shall appoint a legislative member of the commission to serve as vice chairperson of the commission.

(e) If a vacancy occurs on the commission, the appointing authority who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(f) The commission shall do the following:

(1) Study issues concerning the taxation of business personal property in Indiana and business taxation in general in Indiana.

(2) Study issues related to the share of the overall tax burden borne by businesses in Indiana.

(3) Study the competitive advantages and disadvantages for businesses in Indiana that result from the structure of state and local taxation of business.

(4) Study any special elements of the taxation of business personal property.

(5) Study issues related to property taxes paid by taxpayers (including individual taxpayers) other than business taxpayers, and the relative share of the overall tax burden borne by these taxpayers.

(6) Study the impact on local government of reducing business personal property taxes.

(7) Study the existing mechanisms and tools that may be used by local governments to address the effects of the circuit breaker credits under IC 6-1.1-20.6, and the extent to which

these mechanisms and tools have been or have not been adopted and used.

(8) Study the impact of tax increment financing, including the impact of tax increment financing on local government.

(9) Study the issue of what number or percentage of votes by a county option income tax council should be required to eliminate property taxes on new business personal property in a county, if the county option income tax councils are given the authority to eliminate property taxes on such property.

(10) Study any other topics assigned by the legislative council or as directed by the chair of the commission.

(g) The commission shall submit a final report of the results of its study and any recommendations to the legislative council before November 1, 2014. The report must be in an electronic format under IC 5-14-6.

(h) The legislative services agency shall provide staff support to the commission.

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

(j) Except as otherwise specifically provided in this SECTION, the commission shall operate under the rules of the legislative council.

(k) This SECTION expires January 1, 2015.

SECTION 13. **An emergency is declared for this act.**

P.L.81-2014
[S.27. Approved March 25, 2014.]

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

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

SECTION 1. IC 31-19-2-13, AS AMENDED BY P.L.145-2006, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Except for a child who is under the care and supervision of the department, a petitioner for adoption may file a separate, ex parte, verified petition requesting temporary custody of a child sought to be adopted at the time of or any time after the filing of a petition for adoption. The petition for temporary custody must be signed by each petitioner for adoption.

(b) A court may grant a petition for temporary custody filed under subsection (a) if the court finds that:

(1) the petition for adoption is in proper form; and

(2) placing the child with the petitioner or petitioners for adoption pending the hearing on the petition for adoption is in the best interests of the child.

(c) If temporary custody is granted under this section, the petitioner or petitioners for adoption are legally and financially responsible for the child until otherwise ordered by the court.

(d) To the extent that a temporary custody order issued under this section conflicts with a custody order issued by any other court except a court having appellate jurisdiction over the child, a temporary order under this section controls.

(e) A:

(1) party to the adoption; or

(2) person who had:

(A) custody of; or

(B) parenting time or visitation with;

the child before a temporary custody order was issued under this section;

may file a petition to suspend, modify, or revoke the temporary custody order granted under this section.

(f) Upon receipt of a petition described in subsection (e), the court shall set the matter for hearing.

(g) The court may suspend, modify, or revoke the temporary custody order if the court determines suspension, modification, or revocation of the temporary custody order is in the best interests of the child.

SECTION 2. IC 31-19-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) If a petition for adoption and a ~~petition to establish~~ paternity **action** are pending at the same time for a child sought to be adopted, the court in which the petition for adoption has been filed has exclusive jurisdiction over the child, and the paternity proceeding must be consolidated with the adoption proceeding.

(b) If the petition for adoption is dismissed, the court hearing the consolidated adoption and paternity proceeding shall determine who has custody of the child under IC 31-19-11-5.

(c) Following a dismissal of the adoption petition under subsection (b), the court may:

(1) retain jurisdiction over the paternity proceeding; or

(2) return the paternity proceeding to the court in which it was originally filed.

If the paternity proceeding is returned to the court in which it was originally filed, the court assumes jurisdiction over the child, subject to any provisions of the consolidated court's order under IC 31-19-11-5.

SECTION 3. IC 31-19-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The court may **not** ~~hear and~~ grant a petition for adoption ~~even if an appeal of a decision regarding the termination of the parent-child relationship is pending.~~ **of a child if:**

(1) the parent-child relationship between the child and a parent has been terminated; and

(2) one (1) or more of the following apply with respect to the termination described in subdivision (1):

(A) The time for filing an appeal (including a request for

transfer or certiorari) has not elapsed.

(B) An appeal is pending.

(C) An appellate court is considering a request for transfer or certiorari.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee the task of studying whether a father who has abandoned a birth mother during pregnancy should be required to consent to the adoption of the child.**

(b) If the appropriate committee is assigned the topic described in subsection (a), the commission or committee shall issue to the legislative council a final report containing the commission's or committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(c) This SECTION expires December 31, 2014.

SECTION 5. **An emergency is declared for this act.**

P.L.82-2014

[S.50. Approved March 25, 2014.]

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

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

SECTION 1. IC 25-8-15.4-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. As used in this chapter, "committee" refers to the tanning facility committee that may be established under section 21 of this chapter.~~

SECTION 2. IC 25-8-15.4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. An operator of a tanning facility shall **prominently** display a sign approved by the board

in a manner that is clearly visible to a person using the tanning devices in the tanning facility.

SECTION 3. IC 25-8-15.4-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15. A person who is less than sixteen (16) years of age must be accompanied by a parent or guardian when using a tanning device in a tanning facility.~~

SECTION 4. IC 25-8-15.4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a) A person who is less than sixteen (16) years of age may not use a tanning device in a tanning facility.**

(b) A person who is **at least sixteen (16) years of age but** less than eighteen (18) years of age may not use a tanning device in a tanning facility unless the parent or guardian of the person has also signed the written statement under section 11 of this chapter in the presence of the operator of the tanning facility.

SECTION 5. IC 25-8-15.4-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 21. (a) The board may establish the tanning facility committee.~~

~~(b) If the board establishes the committee under subsection (a), the committee consists of five (5) members appointed by the president of the board for terms of two (2) years. The committee must include the following:~~

~~(1) One (1) member of the board.~~

~~(2) One (1) owner of a licensed tanning facility who is licensed as a cosmetologist under IC 25-8-4.~~

~~(3) One (1) owner of a licensed tanning facility who does not hold any other license under this article.~~

~~(4) One (1) physician or other licensed health care provider who works in the area of dermatology.~~

~~(5) One (1) individual who is not associated with a tanning facility or a profession licensed under this article other than as a consumer.~~

~~(c) If the board establishes the committee under this section, the president of the board shall appoint one (1) of the committee members to serve as chairman of the committee.~~

SECTION 6. IC 25-8-15.4-22 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 22. A member of the committee may be removed by the board without cause.~~

SECTION 7. IC 25-8-15.4-23 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 23. (a) The committee may propose rules to the board concerning the following:~~

~~(1) The operation of tanning devices.~~

~~(2) The implementation of this chapter.~~

~~(b) The board may adopt rules under IC 4-22-2 that are recommended by the committee.~~

P.L.83-2014
[S.59. Approved March 25, 2014.]

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

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

SECTION 1. IC 29-3-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) At any time after the appointment of a guardian or the issuance of a protective order, any person may, in person or by the person's attorney, serve upon the guardian or the guardian's attorney, and file with the clerk of the court where the proceedings are pending, a written request together with a written admission or proof of service stating that the person desires written notice of all hearings and copies of all pleadings or other papers in connection with:

(1) the settlement of accounts;

(2) the sale, mortgage, lease, or exchange of any property of the protected person;

(3) allowances of any nature payable from the protected person's property;

(4) the investment of funds of the protected person;

(5) a petition to request the authority to petition for dissolution of marriage, legal separation, or annulment of

marriage on behalf of the protected person as provided under IC 29-3-9-12.2;

~~(5)~~ **(6)** the removal, suspension, or discharge of the guardian;

~~(6)~~ **(7)** the final termination of the guardianship; or

~~(7)~~ **(8)** any other notice or matter as specified in the request.

The applicant requesting special notice must include in the written request the applicant's post office address or that of the applicant's attorney. The court may determine that any person requesting notice under this section has no interest in the proceeding, either generally or with respect to a particular matter, and is not entitled to the notice requested. Unless the court otherwise directs, upon filing the request, the guardian or the guardian's attorney shall comply with the request.

(b) Failure to comply with a request for notice under this section does not affect the validity of the proceeding.

SECTION 2. IC 29-3-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A guardian (other than a temporary guardian) may exercise all of the powers required to perform the guardian's responsibilities, including the following:

(1) To receive and issue a receipt for property payable to the protected person or the protected person's parent, guardian, or custodian from any source, including any statutory benefit, insurance system, or any private contract, devise, trust, guardianship, or custodianship.

(2) If reasonable, to delegate to the protected person certain responsibilities for decisions affecting the protected person's business affairs and well-being.

(3) To invest and reinvest the property of the protected person in accordance with powers vested in, and according to the standards imposed upon, trustees under IC 30-4-3-3(c).

(4) To secure the appointment of a guardian or co-guardian in any other state, when needed, with respect to any part or all of the guardianship property located in another state, to confer upon the appointed guardian any or all of the guardian's powers as guardian with respect to the property.

(5) To continue any business of the protected person, whether in corporate, partnership, or proprietorship form, according to the rules for continuing the business of a decedent specified in IC 29-1-13-11.

(6) To pay to the person, guardian, department, bureau, or agency having care and custody of the protected person, or to the protected person if at least fourteen (14) years of age, a reasonable amount to be expended for the support of the protected person and the protected person's dependents, with due regard to the following:

(A) The size of the guardianship property, the probable duration of the guardianship, and the extent to which the protected person in the future may be self-sufficient and able to manage the protected person's financial affairs and property.

(B) The accustomed standard of living of the protected person and the protected person's dependents.

(C) Other funds or sources used for the support of the protected person and the protected person's dependents.

(7) To distribute income and discretionary amounts of principal in one (1) or more of the following ways as the guardian believes to be in the best interests of the protected person:

(A) Directly to the protected person.

(B) To a guardian of the protected person appointed in another state.

(C) To a custodian for the protected person under IC 30-2-8.5.

(D) To an adult relative of the protected person.

(E) By expending the money or using the property directly for the benefit of the protected person.

(8) To apply the guardianship property to or for the benefit of any person, including the protected person, in reimbursement for reasonable expenditures made in good faith on behalf of the protected person that the guardian might have made, or in advance for services to be rendered to the protected person if it is reasonable to expect that the services will be performed and advance payments are reasonably necessary under the circumstances.

(9) To bind all or any part of the guardianship property in a transaction for the benefit of the protected person, unless the third party dealing with the guardian is acting in bad faith.

(10) Except as provided in IC 29-3-2-6(d), powers conferred upon trustees and personal representatives respectively by IC 30-4-3-3 and IC 29-1-7.5-3. However, if there is a conflict, the broader

power controls.

(11) To exercise on behalf of the protected person powers that are the same as those granted to the parent of a minor under IC 29-3-3-3.

(12) To petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the protected person, if the protected person is an incapacitated person, as provided under IC 29-3-9-12.2.

SECTION 3. IC 29-3-8.5-4, AS AMENDED BY P.L.72-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may:

(1) consent to medical and other professional care and treatment for the incapacitated person's or senior's health and welfare;

(2) secure the appointment of a guardian or coguardian in another state;

(3) take custody of the incapacitated person or senior and establish the incapacitated person's or senior's residence within Indiana or another state in accordance with IC 29-3-9-2;

(4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated person's or senior's health or welfare;

(5) protect and preserve the property of the incapacitated person or senior and preserve any property in excess of the incapacitated person's or senior's current needs; ~~and~~

(6) delegate to the incapacitated person or senior certain responsibilities for decisions affecting the incapacitated person's or senior's business affairs and well-being; **and**

(7) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person as provided under IC 29-3-9-12.2.

(b) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may exercise the powers of a guardian of a minor listed in IC 29-3-8-2 and IC 29-3-8-4.

SECTION 4. IC 29-3-9-1, AS AMENDED BY P.L.178-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 1. (a) **Except as provided in subsection (b),** by a properly executed power of attorney, a parent of a minor or a guardian (other than a temporary guardian) of a protected person may delegate to another person for:

(1) any period during which the care and custody of the minor or protected person is entrusted to an institution furnishing care, custody, education, or training; or

(2) a period not exceeding twelve (12) months;

any powers regarding support, custody, or property of the minor or protected person. ~~except the power to consent to the marriage or adoption of a protected person who is a minor.~~ A delegation described in this subsection is effective immediately unless otherwise stated in the power of attorney.

(b) A parent of a minor or a guardian of a protected person may not delegate under subsection (a) the power to:

(1) consent to the marriage or adoption of a protected person who is a minor; or

(2) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of a protected person as provided under IC 29-3-9-12.2.

~~(b)~~ **(c)** A person having a power of attorney executed under subsection (a) has and shall exercise, for the period during which the power is effective, all other authority of the parent or guardian respecting the support, custody, or property of the minor or protected person except any authority expressly excluded in the written instrument delegating the power. However, the parent or guardian remains responsible for any act or omission of the person having the power of attorney with respect to the affairs, property, and person of the minor or protected person as though the power of attorney had never been executed.

~~(c)~~ **(d)** Except as otherwise stated in the power of attorney delegating powers under this section, a delegation of powers under this section may be revoked by a written instrument of revocation that:

(1) identifies the power of attorney revoked; and

(2) is signed by the:

(A) parent of a minor; or

(B) guardian of a protected person;

who executed the power of attorney.

SECTION 5. IC 29-3-9-12, AS ADDED BY SEA 36-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section applies only to a guardianship of the property of a minor or an incapacitated adult.

(b) If a third party fails to comply with a guardian's written demand or instruction that:

(1) was issued within the scope of the guardian's authority; and

(2) is consistent with this article;

the guardian may bring an enforcement proceeding to compel compliance in the court having jurisdiction over the guardianship.

(c) A court may award attorney's fees and costs to the guardian in an enforcement proceeding under subsection (b), if the person indebted to the guardianship estate or holding property of the guardianship estate:

(1) acted in bad faith in failing to comply with the guardian's written demand or instruction; or

(2) refused to respond within ~~ten (10)~~ **thirty (30)** business days after receiving the guardian's written demand or instruction, if the demand or instruction is consistent with this article.

(d) A court may, upon notice and hearing, award attorney's fees and costs to an estate bringing an enforcement proceeding under subsection (a) against an insurer regulated under IC 27 if:

(1) the insurer failed to respond under IC 27 after receiving a written demand or instruction from the personal guardian; and

(2) the written demand or instruction is consistent with this article.

SECTION 6. IC 29-3-9-12.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.2. (a) If a guardian of an incapacitated person determines that:**

(1) a dissolution of the incapacitated person's marriage;

(2) a legal separation of the incapacitated person and the incapacitated person's spouse; or

(3) an annulment of the incapacitated person's marriage;

is in the best interests of the incapacitated person, the guardian shall petition the court to request the authority to petition for a dissolution of marriage, a legal separation, or an annulment of

marriage on behalf of the incapacitated person.

(b) The petition to request authority described in subsection (a) must set forth the following:

(1) The purpose for petitioning for dissolution of marriage, legal separation, or annulment of marriage.

(2) The names and addresses of all the following:

(A) The incapacitated person's spouse.

(B) If the incapacitated person has adult children, any adult children of the incapacitated person who are not guardians of the incapacitated person.

(C) If the incapacitated person is a minor, a parent of the incapacitated person whose parental rights have not been terminated.

(c) A guardian that petitions the court to request authority as described in subsection (a) shall provide a copy of the petition, on or before the date the petition is filed, to all the following:

(1) The individuals listed in subsection (b)(2).

(2) Any other interested person as ordered by the court.

(d) The court shall:

(1) set a date for a hearing on the petition to request authority described in subsection (a);

(2) notify:

(A) all the parties; and

(B) any other individual listed in subsection (c);

of the hearing at least thirty (30) days before the hearing; and

(3) hold a hearing on the petition to request authority described in subsection (a).

(e) If the court determines by clear and convincing evidence that petitioning for:

(1) a dissolution of the incapacitated person's marriage;

(2) a legal separation of the incapacitated person and the incapacitated person's spouse; or

(3) an annulment of the incapacitated person's marriage;

is in the best interests of the incapacitated person, considering the totality of the circumstances, including the desire and interests of the spouse in remaining married, the court shall grant the petition and authorize the guardian to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the incapacitated person.

(f) In making a determination under subsection (e), the court shall consider the risk of harm to the incapacitated person's physical or mental health, safety, or property if the court does not grant the petition and authorize the guardian to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of the incapacitated person.

(g) In making a determination under subsection (e), the court shall also give appropriate weight to evidence of:

(1) the incapacitated person's intent or preferences; or

(2) a prior decision of the incapacitated person;

for or against a dissolution of marriage, a legal separation, or an annulment of marriage. The court may reduce the weight given to evidence of the intent, preferences, or prior decisions of the incapacitated person if the court concludes, from all of the relevant facts and circumstances, that the passage of time, the relevant circumstances at the time of a prior statement or action by the incapacitated person, or changed circumstances after a prior statement or action make the prior statement or action less reliable evidence of the incapacitated person's best interests and current preferences. The court may give no weight to evidence considered under this subsection that the court concludes is unreliable evidence of the incapacitated person's best interests and current preferences.

(h) This section does not require a guardian of an incapacitated person to file a petition under this section in order to:

(1) defend the incapacitated person against a petition for dissolution, legal separation, or annulment of marriage that was filed before or after the filing of the petition for guardianship; or

(2) finalize:

(A) a dissolution of the incapacitated person's marriage;

(B) a legal separation between the incapacitated person and the incapacitated person's spouse; or

(C) an annulment of the incapacitated person's marriage;

if the petition for dissolution of marriage, legal separation, or annulment of marriage was filed by the incapacitated person or the incapacitated person's spouse before the appointment of the guardian.

SECTION 7. IC 29-3-9-13 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. (a) This section applies if a court has authorized a guardian to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person under section 12.2 of this chapter.**

(b) A guardian may file a petition for dissolution on behalf of an incapacitated person under IC 31-15-2 in the county where the guardian resides in accordance with IC 31-15-2-6.

(c) A guardian may file a petition for legal separation on behalf of an incapacitated person under IC 31-15-3-4 in the county where the guardian resides in accordance with IC 31-15-3-6.

(d) A guardian may file an action to annul a marriage under IC 31-11-10 in the county where the guardian resides in accordance with IC 31-11-10-4.

SECTION 8. IC 30-4-3-6, AS AMENDED BY SEA 36-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: (a) The trustee has a duty to administer a trust according to the terms of the trust.

(b) Unless the terms of the trust **or the provisions of section 1.3 of this chapter** provide otherwise, the trustee also has a duty to do the following:

(1) Administer the trust in a manner consistent with IC 30-4-3.5.

(2) Take possession of and maintain control over the trust property.

(3) Preserve the trust property.

(4) Make the trust property productive for both the income and remainder beneficiary. As used in this subdivision, "productive" includes the production of income or investment for potential appreciation.

(5) Keep the trust property separate from the trustee's individual property and separate from or clearly identifiable from property subject to another trust.

(6) Maintain clear and accurate accounts with respect to the trust estate.

(7) Keep the following beneficiaries reasonably informed about the administration of the trust and of the material facts necessary for the beneficiaries to protect their interests:

(A) A current income beneficiary.

(B) A beneficiary who will become an income beneficiary upon the expiration of the term of the current income beneficiary, if the trust has become irrevocable by:

(i) the terms of the trust instrument; or

(ii) the death of the settlor.

A trustee satisfies the requirements of this subdivision by providing a beneficiary described in clause (A) or (B), upon the beneficiary's written request, access to the trust's accounting and financial records concerning the administration of trust property and the administration of the trust.

(8) Upon:

(A) the trust becoming irrevocable:

(i) by the terms of the trust instrument; or

(ii) by the death of the settlor; and

(B) the written request of an income beneficiary or remainderman;

promptly provide a copy of the complete trust instrument to the income beneficiary or remainderman.

(9) Take whatever action is reasonable to realize on claims constituting part of the trust property.

(10) Defend actions involving the trust estate.

(11) Supervise any person to whom authority has been delegated.

(12) Determine the trust beneficiaries by acting on information:

(A) the trustee, by reasonable inquiry, considers reliable; and

(B) with respect to heirship, relationship, survivorship, or any other issue relative to determining a trust beneficiary.

SECTION 9. IC 31-9-2-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49. **(a) "Guardian", for purposes of IC 31-11-10-1, IC 31-15-2-5, and IC 31-15-3-4, has the meaning set forth in IC 29-3-1-6.**

(b) "Guardian", for purposes of the juvenile law, means a person appointed by a court to have the care and custody of a child or the child's estate, or both.

SECTION 10. IC 31-9-2-54.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 54.5. "Incapacitated person", for purposes of IC 31-11-10-1, IC 31-15-2-5, and IC 31-15-3-4, has the meaning set forth in IC 29-3-1-7.5.**

SECTION 11. IC 31-11-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This section applies to a marriage that is voidable under IC 31-11-9-2 on the ground that a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

(b) The incapable party described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

(c) If a guardian of an incapacitated person is filing a petition for annulment of a marriage on behalf of the incapacitated person, the petition for annulment must set forth the name and address of the guardian.

(d) If a guardian of an incapacitated person files a petition for annulment of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for annulment of marriage described in IC 29-3-9-12.2.

SECTION 12. IC 31-11-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** An action to annul a voidable marriage under this chapter must be conducted in accordance with IC 31-15.

(b) If a court has authorized a guardian to file an action to annul a marriage on behalf of an incapacitated person under IC 29-3-9-12.2, the guardian may file an action to annul a marriage in the guardian's county of residence if the guardian has resided in that county for at least three (3) months immediately preceding the filing of the action.

SECTION 13. IC 31-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** A petition for dissolution of marriage must:

(1) be verified; and

(2) set forth the following:

(A) The residence of each party and the length of residence in the state and county.

(B) The date of the marriage.

(C) The date on which the parties separated.

(D) The name, age, and address of:

(i) any living child less than twenty-one (21) years of age;

and

(ii) any incapacitated child;

of the marriage and whether the wife is pregnant.

(E) The grounds for dissolution of the marriage.

(F) The relief sought.

(G) If a guardian of an incapacitated person is filing the petition for dissolution of marriage on behalf of the incapacitated person, the name and address of the guardian.

(b) If a guardian of an incapacitated person files a petition for dissolution of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for dissolution of marriage described in IC 29-3-9-12.2.

SECTION 14. IC 31-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) At the time of the filing of a petition under section 4 of this chapter, at least one (1) of the parties must have been:

(1) a resident of Indiana; or

(2) stationed at a United States military installation within Indiana;

for six (6) months immediately preceding the filing of the petition.

(b) **Except as provided in subsection (c),** at the time of the filing of a petition under section 4 of this chapter, at least one (1) of the parties must have been:

(1) a resident of the county; or

(2) stationed at a United States military installation within the county;

where the petition is filed for three (3) months immediately preceding the filing of the petition.

(c) If a court has authorized a guardian to file a petition under section 4 of this chapter on behalf of an incapacitated person under IC 29-3-9-12.2, the guardian may file the petition for dissolution in the guardian's county of residence if the guardian has resided in that county for at least three (3) months immediately preceding the filing of the petition.

SECTION 15. IC 31-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** A proceeding for

legal separation is commenced by the filing of a petition entitled, "In Re the legal separation of _____ and _____". The petition must:

(1) be verified; and

(2) set forth the following:

(A) The residence of each party and the length of residence in the state and county.

(B) The date of the marriage.

(C) The date on which the parties separated.

(D) The names, ages, and addresses of:

(i) any living child less than twenty-one (21) years of age; and

(ii) any incapacitated child;

of the marriage and whether the wife is pregnant.

(E) The grounds for legal separation.

(F) The relief sought.

(G) If a guardian of an incapacitated person is filing the petition for legal separation on behalf of the incapacitated person, the name and address of the guardian.

(b) If a guardian of an incapacitated person files a petition for legal separation on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for legal separation described in IC 29-3-9-12.2.

SECTION 16. IC 31-15-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) At the time of the filing of a petition for legal separation under section 4 of this chapter, at least one (1) of the parties must have been:

(1) a resident of Indiana; or

(2) stationed at a United States military installation within Indiana;

for six (6) months immediately preceding the filing of each petition.

(b) **Except as provided in subsection (c),** at the time of the filing of a petition for legal separation under section 4 of this chapter, at least one (1) of the parties must have been:

(1) a resident of the county; or

(2) stationed at a United States military installation within the county;

where the petition is filed for three (3) months immediately preceding the filing of the petition.

(c) If a court has authorized a guardian to file a petition for legal separation under section 4 of this chapter on behalf of an incapacitated person under IC 29-3-9-12.2, the guardian may file the petition in the guardian's county of residence if the guardian has resided in that county for at least three (3) months immediately preceding the filing of the petition.

P.L.84-2014
[S.106. Approved March 25, 2014.]

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

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

SECTION 1. IC 4-9.1-1-7, AS AMENDED BY P.L.205-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board may transfer money between state funds, and the board may transfer money between appropriations for any board, department, commission, office, or benevolent or penal institution of the state. After the transfer is made, the money of the fund or appropriation transferred is not available to the fund or the board, department, commission, office, or benevolent or penal institution from which it was transferred.

(b) In addition to a transfer under subsection (a), the board may transfer money from an appropriation for any board, department, commission, office, or benevolent or penal institution of the state to the Indiana economic development corporation.

(c) An order by the board to make a transfer under this section is sufficient authority for the making of appropriate entries showing the transfer on the books of the auditor of state and treasurer of state.

(d) The authority given the board under this section to make transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

(e) Whenever the board takes action to transfer money out of a dedicated fund that is attributable to fees credited to the fund, the budget agency shall notify the budget committee within thirty (30) days and state the reason for the transfer.

(f) Within thirty (30) days after approving a transfer, the board shall post on the Indiana transparency Internet web site:

(1) a narrative description of each approved transfer under this section; and

(2) the reason for the transfer.

SECTION 2. IC 5-14-3.7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. As used in this chapter, "school corporation" has the meaning set forth in IC 36-1-2-17.**

SECTION 3. IC 5-14-3.7-3, AS ADDED BY P.L.172-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, the state board of accounts established by IC 5-11-1-1, the department of local government finance established under IC 6-1.1-30-1.1, and the office of management and budget established by IC 4-3-22-3, shall post on the Indiana transparency Internet web site a data base that lists expenditures and fund balances, including expenditures for contracts, grants, and leases, for public schools. The web site must be electronically searchable by the public.

(b) The data base must include for public schools:

(1) the amount, date, payer, and payee of expenditures;

(2) a listing of expenditures by:

(A) personal services;

(B) other operating expenses; or

(C) total operating expenses;

(3) a listing of fund balances;

(4) a listing of real and personal property owned by the public

school; ~~and~~

(5) the report required under IC 6-1.1-33.5-7; **and**

(6) information for evaluating the fiscal health of each school corporation in the format required by section 16(b) of this chapter.

SECTION 4. IC 5-14-3.7-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) The department of local government finance shall develop indicators of fiscal health for evaluating the fiscal health of a school corporation. The department of local government finance may consider including any of the following in the indicators developed under this subsection:**

(1) The cash balance of a school corporation.

(2) The debt to revenue ratio of a school corporation.

(3) The condition of a school corporation's property tax base as measured by both the assessed value of the school corporation and the amount of per capita revenue generated from the school corporation's tax base.

(4) The per capita amount of a school corporation's general fund operating revenue.

(5) Any trends in the amount of a school corporation's tax revenue.

(6) Whether a school corporation maintains a structural deficit or a structural surplus.

(7) The extent that the school corporation is affected by tax increment financing districts.

(8) The extent that the school corporation's property tax base is affected by exempt properties.

(9) The school corporation's bond rating.

(10) The amount of retiree benefits paid by the school corporation.

(11) The amount of pension contributions paid on behalf of the school corporation's employees.

(12) Any other factor that the department of local government finance considers relevant to evaluating the fiscal health of a school corporation.

(b) The department of local government finance shall use the indicators developed under subsection (a) and the associated fiscal data to present the information for evaluating the fiscal health of

each school corporation on the Indiana transparency Internet web site. The information must be presented in a manner that:

(1) can be conveniently and easily accessed from a single web page; and

(2) is commonly known as an Internet dashboard.

The information must be available on the Indiana transparency Internet web site in the format required by this subsection before July 1, 2015.

(c) Neither the department of local government finance nor any other state agency may use the fiscal health indicators developed under this section to assign a school corporation a summative grade.

SECTION 5. IC 5-14-3.8-3, AS AMENDED BY P.L.229-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The department, working with the office of technology established by IC 4-13.1-2-1, or another organization that is part of a state educational institution, the office of management and budget established by IC 4-3-22-3, and the state board of accounts established by IC 5-11-1-1, shall post on the Indiana transparency Internet web site the following:

(1) The financial reports required by IC 5-11-1-4.

(2) The report on expenditures per capita prepared under IC 6-1.1-33.5-7.

(3) A listing of the property tax rates certified by the department.

(4) An index of audit reports prepared by the state board of accounts.

(5) Local development agreement reports prepared under IC 4-33-23-10 and IC 4-33-23-17.

(6) Information for evaluating the fiscal health of a political subdivision in the format required by section 8(b) of this chapter.

~~(6)~~ **(7)** Any other financial information deemed appropriate by the department.

SECTION 6. IC 5-14-3.8-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) The department shall develop indicators of fiscal health for evaluating the fiscal health of a political subdivision. The department may consider including any**

of the following in the indicators developed under this subsection:

(1) The cash balance of a political subdivision.

(2) The debt to revenue ratio of a political subdivision.

(3) The condition of a political subdivision's property tax base and income tax base, if any, as measured by both the assessed value of the political subdivision and the amount of per capita revenue generated from the political subdivision's tax bases.

(4) The per capita amount of a political subdivision's general fund operating revenue.

(5) Any trends in the amount of a political subdivision's tax revenue.

(6) Whether a political subdivision maintains a structural deficit or a structural surplus.

(7) The number and size of the tax increment financing districts designated by a redevelopment commission established by the political subdivision, if any.

(8) The extent that the political subdivision is affected by tax increment financing districts.

(9) The extent that the political subdivision's property tax base is affected by exempt properties.

(10) The political subdivision's bond rating.

(11) The amount of retiree benefits paid by the political subdivision.

(12) The amount of pension contributions paid on behalf of the political subdivision's employees.

(13) Any other factor that the department considers relevant to evaluating the fiscal health of a political subdivision.

(b) The department shall use the indicators developed under subsection (a) and the associated fiscal data to present the information for evaluating the fiscal health of a political subdivision on the Indiana transparency Internet web site. The information must be presented in a manner that:

(1) can be conveniently and easily accessed from a single web page; and

(2) is commonly known as an Internet dashboard.

The information must be available on the Indiana transparency Internet web site in the format required by this subsection before July 1, 2015.

(c) Neither the department of local government finance nor any

other state agency may use the fiscal health indicators developed under this section to assign a political subdivision a summative grade.

SECTION 7. IC 6-1.1-20.3-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) The office of management and budget shall:**

(1) review the board's organizational structure, the board's composition, the number of board members, and the staffing, policies, procedures, and capabilities of the board; and

(2) determine whether the board requires any additional powers or resources to carry out section 15 of this chapter.

(b) The office of management and budget may:

(1) recommend any legislation necessary to provide the board with sufficient powers and resources to carry out section 15 of this chapter; and

(2) submit the recommended legislation to the general assembly for consideration in the 2015 legislative session.

The office of management and budget shall submit the recommended legislation under subdivision (2) in an electronic format under IC 5-14-6.

SECTION 8. IC 6-1.1-20.3-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) After June 30, 2015, the executive of a political subdivision may request technical assistance from the board in helping prevent the political subdivision from becoming a distressed political subdivision. The board, by using the health fiscal indicators developed under IC 5-14-3.7-16 or IC 5-14-3.8-8, shall determine whether to provide assistance to the political subdivision.**

(b) The board may do any of the following for a political subdivision that receives assistance under subsection (a):

(1) Provide information and technical assistance with respect to the data management, accounting, or other aspects of the fiscal management of the political subdivision.

(2) Assist the political subdivision in obtaining assistance from state agencies and other resources.

SECTION 9. **An emergency is declared for this act.**

P.L.85-2014
[S.111. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-4-13, AS AMENDED BY P.L.1-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

(1) the availability of the United States Department of Agriculture's soil survey data; and

(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date, ~~and for~~ the March 1, 2013,

assessment date, **and the March 1, 2014, assessment date.** New soil productivity factors shall be used for assessment dates occurring after March 1, ~~2013.~~ **2014.**

(c) The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

(d) This section does not apply to land purchased for industrial, commercial, or residential uses.

SECTION 2. **An emergency is declared for this act.**

P.L.86-2014
[S.139. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-28.5, AS AMENDED BY P.L.212-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28.5. (a) "Attendant care services", for purposes of IC 16-27-1 and IC 16-27-4, means services:

(1) that could be performed by an impaired individual for whom the services are provided if the individual were not impaired; and

(2) that enable the impaired individual:

(A) to live in the individual's home and community rather than in an institution; and

(B) to carry out functions of daily living, self-care, and mobility.

(b) The term includes the following:

(1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.

(2) Assistance with routine bodily functions, including:

(A) bathing and personal hygiene;

(B) using the toilet;

(C) dressing and grooming; and

(D) feeding, including preparation and cleanup.

(3) The provision of assistance:

(A) through providing reminders or cues to take medication, the opening of preset medication containers, and providing assistance in the handling or ingesting of ~~noncontrolled substance~~ medications, including **controlled substances, prescription drugs,** eye drops, herbs, supplements, and over-the-counter medications; and

(B) to an individual who is unable to accomplish the task due to an impairment and who is:

(i) competent and has directed the services; or

(ii) incompetent and has the services directed by a competent individual who may consent to health care for the impaired individual.

SECTION 2. IC 16-19-3-26, AS AMENDED BY P.L.154-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The state department shall administer the fund. Any expenses incurred in administering the fund shall be paid from the fund.

(d) The money in the fund shall be distributed quarterly to the Indiana Donation Alliance Foundation and Donate Life Indiana for the purpose of implementing an organ, tissue, and marrow registry and to promote organ, tissue, and marrow donation. However, money in the fund may not be distributed under this subsection for any quarter of a year until the annual report for the previous year has been submitted under subsection (f).

(e) The Indiana Donation Alliance Foundation and Donate Life Indiana shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

(f) The Indiana Donation Alliance Foundation and Donate Life Indiana shall submit an annual audited report, including a list of all expenditures, to the:

(1) speaker of the house of representatives;

(2) president pro tempore of the senate;

(3) senate health and provider services committee; and

(4) house public health committee;

before February 1. The report must be in an electronic format under IC 5-14-6.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) This subsection applies if the Indiana Donation Alliance Foundation or Donate Life Indiana loses its status as an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. The Indiana Donation Alliance Foundation and Donate Life Indiana shall report in an electronic format under IC 5-14-6 to the chairpersons of the senate standing committee, as determined by the president pro tempore of the senate, and the house standing committee, as determined by the speaker of the house of representatives, that have subject matter jurisdiction over health issues. The chairpersons shall review the report and recommend to the state department whether to continue distributions under subsection (d).

(i) Any annual reports that were not submitted by the Indiana Donation Alliance Foundation or Donate Life Indiana before March 15, 2011, under subsection (f) must be submitted before August 1, 2012.

~~(j) This section expires July 1, 2014.~~

SECTION 3. **An emergency is declared for this act.**

P.L.87-2014
[S.161. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-2.5-2-2, AS AMENDED BY P.L.113-2010, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The state gross retail tax is measured by the gross retail income received by a retail merchant in a retail unitary transaction and is imposed at seven percent (7%) of that gross retail income.

(b) If the tax computed under subsection (a) carried to the third decimal place results in the numeral in the third decimal place being greater than four (4), the amount of the tax shall be rounded to the next additional cent.

(c) A seller may elect to round the tax under subsection (b) on a transaction on an item basis or an invoice basis. However, a seller may not round the tax under subsection (b) to circumvent the tax that would otherwise be imposed on a transaction using an invoice basis.

SECTION 2. IC 6-2.5-5-19.5, AS AMENDED BY P.L.265-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19.5. (a) For purposes of this section, "drug sample" means a legend drug (as defined by IC 16-18-2-199) or a drug composed wholly or partly of insulin or an insulin analog that is furnished without charge.

(b) For purposes of this section, "blood glucose monitoring supply" means blood glucose ~~meters and~~ measuring strips, lancets, and other similar diabetic supplies furnished ~~with or~~ without charge.

(c) For purposes of this section, "diabetic supply distributor" means a person that primarily sells blood glucose meters for resale and not for retail sale.

~~(c)~~ **(d)** Transactions involving the following are exempt from the state gross retail tax:

(1) A drug sample, the packaging and literature for a drug sample, a blood glucose monitoring supply, and the packaging and literature for a blood glucose monitoring supply.

(2) Tangible personal property that will be used as a drug sample or a blood glucose monitoring supply or that will be processed, manufactured, or incorporated into:

(A) a drug sample or a blood glucose monitoring supply; or

(B) the packaging or literature for a drug sample or a blood glucose monitoring supply.

(3) Blood glucose meters and the packaging or literature for a blood glucose meter furnished without charge by a diabetic supply distributor.

SECTION 3. IC 6-3-2-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 24. (a) This section applies to a taxable year beginning after December 31, 2013.**

(b) As used in this section, "international committee" refers to the International Olympic Committee and the International Paralympic Committee.

(c) As used in this section, "Olympic games" refers to an international sports competition conducted every two (2) years by an international committee, including both the summer and winter games.

(d) As used in this section, "Olympic medal" refers to a gold, silver, or bronze medal won by an individual competing at the Olympic games.

(e) An individual is entitled to an exemption from the adjusted gross income tax imposed under this article equal to the sum of:

(1) the value of an Olympic medal won during the taxable year; plus

(2) the amount of income received during the taxable year from the United States Olympic Committee as prize money for winning the Olympic medal.

SECTION 4. **An emergency is declared for this act.**

P.L.88-2014
[S.174. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-4-605 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 605. (a) ADVISORY–AREA. A proposed zoning ordinance shall be certified to each participating legislative body by the plan commission as follows:

(1) If the proposal is to adopt an initial zoning ordinance (or to adopt a replacement zoning ordinance after repealing the entire zoning ordinance, including amendments and zone maps) under section 606 of this chapter, it may be certified only if it receives a favorable recommendation from the commission.

(2) If the proposal is to amend or partially repeal the text (not zone maps) of the ordinance under section 607 of this chapter, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

(3) If the proposal is to change the zone maps incorporated by reference into the ordinance under section 608 of this chapter, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

(b) METRO. **Except as provided in subsection (c),** a proposal shall be certified to the legislative body by the metropolitan development commission only if it receives a favorable recommendation from the commission.

(c) METRO. A proposal to change the zone maps incorporated by reference into the ordinance under section 608 of this chapter shall be certified to the legislative body by the metropolitan

development commission regardless of whether the proposal receives a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

~~(c)~~ **(d)** The legislative body shall consider the recommendation (if any) of the commission before acting on the proposal under section 606, 607, or 608 of this chapter.

SECTION 2. IC 36-7-4-608 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 608. (a) This section applies to a proposal, as described in section 602(c) of this chapter, to change the zone maps incorporated by reference into the zoning ordinance.

(b) If the proposal is not initiated by the plan commission, it must be referred to the commission for consideration and recommendation before any final action is taken by the legislative body. On receiving or initiating the proposal, the commission shall, within sixty (60) days, hold a public hearing in accordance with section 604 of this chapter. Within ten (10) business days after the commission determines its recommendation (if any), the commission shall certify the proposal under section 605 of this chapter.

(c) METRO. This subsection applies if the proposal receives a favorable recommendation, **an unfavorable recommendation, or no recommendation** from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter, the legislative body may, by a majority of those voting, schedule the proposal for a hearing on a date not later than its next regular meeting. **The legislative body member in whose district the parcel of real property under consideration is located may submit a request to the president of the legislative body that the proposal be considered under this subsection.**

(2) If the legislative body fails to schedule the proposal for a hearing under subdivision (1), the ordinance takes effect as if it had been adopted at the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter.

(3) For purposes of this subdivision, the final action date for a proposal is the date thirty (30) days after the date that the proposal is certified under section 605 of this chapter, or the date of the

second regular meeting after the proposal is certified under section 605 of this chapter, whichever is later. If the legislative body schedules the proposal for a hearing under subdivision (1) but fails to act on it by the final action date, the ordinance takes effect as if it had been adopted (as certified) on the final action date. However, the period of time from certification under section 605 of this chapter to the final action date may be extended by the legislative body, with the consent of the initiating plan commission or the petitioning property owners. If the legislative body fails to act on the proposal by the final action date (as extended), the ordinance takes effect as if it had been adopted (as certified) on that extended final action date.

(4) If the legislative body schedules the proposal for a hearing under subdivision (1), it shall announce the hearing during a meeting and enter the announcement in its memoranda and minutes. The announcement must state:

(A) the date, time, and place of the hearing;

(B) a description of the proposed changes in the zone maps;

(C) that written objections to the proposal filed with the clerk of the legislative body or with the county auditor will be heard; and

(D) that the hearing may be continued from time to time as may be found necessary.

(5) If the legislative body rejects the proposal at a hearing scheduled under subdivision (1), it is defeated.

(d) METRO. The plan commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of a proposal that is defeated under subsection (c)(5).

(e) ADVISORY–AREA. The legislative body shall vote on the proposal within ninety (90) days after the plan commission certifies the proposal under section 605 of this chapter.

(f) ADVISORY–AREA. This subsection applies if the proposal receives a favorable recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt or reject the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to

consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal, it is defeated.

(4) If the legislative body fails to act on the proposal within ninety (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(g) ADVISORY–AREA. This subsection applies if the proposal receives either an unfavorable recommendation or no recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt or reject the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal, it is defeated.

(4) If the legislative body fails to act on the proposal within ninety (90) days after certification, it is defeated.

(h) ADVISORY–AREA. The plan commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of a proposal that is defeated under subsection (f)(3), (g)(3), or (g)(4).

SECTION 3. IC 36-7-4-922 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 922. (a) METRO. ~~An official designated by the metropolitan development commission~~ **Either of the following** may appeal to the metropolitan development commission ~~any decision~~ **the following decisions** of a board of zoning appeals:

(1) An official designated by the metropolitan development commission. An official may appeal any decision regarding:

(A) an administrative appeal; or

(B) approving:

(i) a special exception;

(ii) a special or conditional use; or

(iii) a variance from the terms of the zoning ordinance.

(2) A member of the legislative body of the city and county in

whose district the parcel of real property under consideration is located. A legislative body member in whose district the parcel of real property under consideration is located may appeal any decision approving, denying, or otherwise concerning a variance of use from the terms of the zoning ordinance that affects only real property located outside the corporate boundaries of an excluded city.

The official **or the legislative body member** must file in the office of the department of metropolitan development a notice of appeal within five (5) days after the board files a copy of the decision in the office of the board. However, if a representative of the department of metropolitan development **or the legislative body member** appears at the hearing at which the administrative appeal is decided or the special exception, special or conditional use, or variance is approved **or denied,** then the official **or legislative body member** must file the notice of appeal within five (5) days after the board has rendered its decision. The notice must certify that the decision raises a substantial question of zoning policy appropriate for consideration by the commission. The commission shall hear the appeal at its next regular meeting held not less than five (5) days after the notice of appeal is filed.

(b) METRO. In hearing appeals under this section, the metropolitan development commission sits as a board of zoning appeals and shall be treated as if it is a board for purposes of this section. The commission may accept into evidence the written record, if any, of the hearing before the board of zoning appeals, along with other evidence introduced by the staff or interested parties. The commission shall consider the matter de novo, but the decision of the board is considered affirmed unless two-thirds (2/3) of the commission members voting vote to deny the administrative appeal, exception, use, or variance.

(c) METRO. Although persons other than the designated official **or legislative body member** may not appeal a decision of a board of zoning appeals to the metropolitan development commission, they may appear as interested parties in appeals under this section. No public notice need be given of the hearing of an appeal under this section, but the official **or legislative body member** shall promptly mail notice of the subject of the appeal and date and place of the hearing to each adverse party. However, if the record of the board shows that more than

three (3) proponents or more than three (3) remonstrators appeared, then the official **or legislative body member** need mail notice only to the first three (3) of each as disclosed by the record.

(d) The metropolitan development commission shall give strong consideration to the first continuance of an appeals hearing held under this section that is filed by a member of the legislative body of the city and county.

SECTION 4. IC 36-7-4-1003, AS AMENDED BY P.L.126-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1003. (a) Each decision of the legislative body under section 918.6 of this chapter is subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under section 1016(a) of this chapter.

(b) METRO. A petition for judicial review must be filed with the court after the expiration of the period within which an official designated by the metropolitan development commission **or a member of the legislative body of the city and county** may file an appeal under section 922 of this chapter but not later than the period provided for timely filing under section 1605 of this chapter. However, if the official **or the member of the legislative body of the city and county** files an appeal, then only the decision of the metropolitan development commission sitting as a board of zoning appeals is subject to judicial review. The official, ~~or~~ **the** department of metropolitan development, **or the member of the legislative body of the city and county** may not seek judicial review of a decision of a board of zoning appeals or the commission sitting as a board of zoning appeals.

P.L.89-2014
[S.180. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning veterans.

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

SECTION 1. IC 10-17-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 12.5. Veterans Disability Clinic Fund

Sec. 1. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

Sec. 4. As used in this chapter, "fund" refers to the veterans disability clinic fund established by section 7 of this chapter.

Sec. 5. As used in this chapter, "qualified law school" means a law school:

(1) located in Indiana; and

(2) approved by the American Bar Association;

that operates a veterans disability clinic.

Sec. 6. As used in this chapter, "veterans disability clinic" means a law school clinical program that:

(1) offers practice opportunities to law students to counsel or represent veterans in claims for veterans disability compensation;

(2) is part of the educational curriculum of the law school;

(3) is under the direction of a law school faculty member who is recognized by the United States Department of Veterans Affairs under 38 U.S.C. 5904; and

(4) provides legal services at no cost or nominal cost to veterans.

Sec. 7. (a) The veterans disability clinic fund is established to provide funding for grants to qualified law schools that establish or maintain a veterans disability clinic.

(b) The fund shall be administered by the commission.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Donations to the fund.

(3) Interest.

(4) Money from any other source authorized or appropriated for the fund.

Sec. 8. A qualifying law school that wishes to receive a grant to establish or maintain a veterans disability clinic under this chapter shall consult with the department to:

(1) identify veterans in need of counsel or representation in a claim for veterans disability compensation;

(2) inform veterans about the availability of legal services through the veterans disability clinic; and

(3) develop an educational outreach program as part of the veterans disability clinic to advise veterans of their rights in the claims process for veterans disability compensation.

Sec. 9. The commission may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the state department of health.**

(b) As used in this SECTION, "veteran" refers to any individual in Indiana who has a United States military service related injury or disability, regardless of active, reserve, or retired status.

(c) Not later than September 1, 2014, the department, in consultation with the Indiana department of veterans' affairs and the division of mental health and addiction, shall:

(1) conduct a study; and

(2) report, in an electronic format under IC 5-14-6, the department's findings and recommendations to the legislative council;

concerning the implementation of a program for the specific treatment of veterans who have traumatic brain injury or posttraumatic stress disorder.

(d) Findings and recommendations made under subsection (c) must include the following:

(1) After consideration by the department of treatment protocols and therapies for traumatic brain injury and posttraumatic stress disorder, including:

(A) resource facilitation;

(B) cognitive rehabilitation; and

(C) hyperbaric therapy;

recommendations concerning the best peer reviewed, evidence based protocols and therapies to be used to provide the treatment described in subsection (c).

(2) Recommendations concerning the types of health care providers necessary for implementation and any certification of the program.

(3) The estimated number of veterans who have traumatic brain injury or posttraumatic stress disorder.

(4) An analysis of available federal and state funding for the program.

(5) An analysis of the costs of traumatic brain injury and posttraumatic stress disorder among veterans and the economic impact of implementation of the program.

(e) This SECTION expires January 1, 2015.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate interim committee during the 2014 interim a study of veterans' benefits. The study must include the following:**

(1) How transforming Indiana's veterans' benefit services can increase benefits to veterans and beneficiaries in compensation, pensions, education, medical care, and other areas.

(2) How Indiana compares to other states in each component of benefits, as reported annually by the Veterans Benefits Administration, including the following:

(A) Total expenditures, compensation, and pensions.

(B) Education.

(C) Medical and related care.

(3) How Indiana's structure of assisting beneficiaries in obtaining veterans' benefits and tools may be restructured, including reviewing the following areas:

(A) Management, organization, staffing, and information technology.
(B) Education.
(C) Employment.
(D) Compensation, pensions, and other benefits.
(E) Health care education and delivery.
(b) This SECTION expires December 31, 2014.
SECTION 4. **An emergency is declared for this act**.

P.L.90-2014
[S.220. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-2-23 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 23. Unclaimed Life Insurance Benefits

Sec. 1. This chapter applies after June 30, 2015.

Sec. 2. Except as provided in this chapter, the definitions in IC 27-2-22 apply throughout this chapter.

Sec. 3. As used in this chapter, "account owner" means an Indiana resident who is the owner of a retained asset account.

Sec. 4. (a) As used in this chapter, "annuity" refers to an annuity contract issued in Indiana.

(b) The term does not include an annuity contract used to fund an employment based retirement plan, the sponsor or administrator of which directs the insurer that issues the annuity contract.

Sec. 5. As used in this chapter, "death master file" refers to:

(1) the federal Social Security Administration's Death Master File; or

(2) another data source that, for the purpose of determining that a person is reported to have died, is at least as comprehensive as the federal Social Security Administration's Death Master File.

Sec. 6. As used in this chapter, "death master file match" means the result of a search of a death master file that indicates a match of a person's name with the person's:

(1) Social Security number; or

(2) date of birth.

Sec. 7. As used in this chapter, "knowledge of death" means one (1) of the following:

(1) Receipt of a certified original or copy of a death certificate of a person.

(2) A death master file match that an insurer has validated with a secondary source.

Sec. 8. As used in this chapter, "person" refers to an insured, annuity owner, annuitant, or a retained asset account owner.

Sec. 9. (a) As used in this chapter, "policy" means a policy or certificate issued in Indiana that provides the kind of insurance described in Class 1 of IC 27-1-5-1.

(b) The term does not include the following:

(1) A policy or certificate that provides a death benefit under:

(A) an employee benefit plan that is subject to the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.); or

(B) a federal employee benefit program.

(2) A policy or certificate that is used to fund a preneed funeral contract or prearrangement.

(3) A policy or certificate of credit life or accidental death insurance.

(4) A policy issued to a group policy owner for which the insurer does not provide record keeping services.

Sec. 10. As used in this chapter, "record keeping services" means an insurer's responsibility, under an agreement with a group policy owner, to obtain, maintain, and administer in the insurer's system information concerning each individual insured under a group policy (or a line of coverage under a group policy), including at least the following:

(1) The individual's Social Security number and date of birth

or name and date of birth.

(2) The individual's beneficiary designation information.

(3) The individual's eligibility for coverage.

(4) The individual's benefit amount.

(5) The individual's premium payment status.

Sec. 11. (a) An insurer shall, at least every six (6) months, perform a comparison of in-force policies, annuities, and retained asset accounts issued by the insurer in Indiana against a death master file to identify potential death master file matches.

(b) An insurer that performs a comparison under subsection (a) using:

(1) a complete death master file one (1) time per year; and

(2) only the update files of the death master file used under subdivision (1) for additional comparisons during the twelve (12) months after the comparison under subdivision (1);

is considered to be compliant with subsection (a).

(c) This section does not prevent an insurer from requesting a certified original or copy of a death certificate as a part of a claim validation process.

Sec. 12. An insurer shall, not later than ninety (90) days after learning of the possible death of a person through a comparison performed under section 11 of this chapter, do the following:

(1) Complete and document a good faith effort to confirm the death of the person against other available records and information.

(2) Review the insurer's records to determine whether the person had purchased any other products from the insurer.

(3) Determine whether benefits may be due under a policy, annuity, or retained asset account.

(4) If the beneficiary or authorized representative under a policy, annuity, or retained asset account has not communicated with the insurer before the expiration of the ninety (90) day period, complete and document a good faith effort to locate and contact the beneficiary or authorized representative, including sending to the beneficiary or authorized representative information concerning the:

(A) insurer's claim process; and

(B) need to provide a certified original or copy of the death certificate, if applicable under the policy, annuity, or

retained asset account.

Sec. 13. An insurer shall implement procedures to account for the following in complying with the requirements of this chapter:

(1) Common nicknames, initials used instead of a first or middle name, use of a middle name, compound first and middle names, and interchanged first and middle names.

(2) Compound last names, maiden or married names, and hyphens, blank spaces, or apostrophes in last names.

(3) Transposition of the month and date parts of the date of birth.

(4) Incomplete Social Security number.

Sec. 14. An insurer may, to the extent permitted by law, disclose the minimum necessary personal information about a person or a beneficiary to an individual or entity reasonably believed by the insurer to possess the ability to assist the insurer in locating the beneficiary or another individual or entity that is entitled to payment of the claim proceeds.

Sec. 15. An insurer, and an entity providing services to an insurer, shall not charge a beneficiary or authorized representative a fee or cost associated with:

(1) a death master file search; or

(2) verification of a death master file match;

conducted under this chapter.

Sec. 16. (a) The benefit of a policy, annuity, or retained asset account, plus accrued interest applicable under the policy, annuity, or retained asset account, is first payable to designated beneficiaries or policy owners, annuity owners, or account owners.

(b) If beneficiaries or policy owners, annuity owners, or account owners cannot be found, the benefit of the policy, annuity, or retained asset account (not including applicable accrued interest) escheats to the state as unclaimed property under IC 32-34-1.

Sec. 17. The commissioner may do the following:

(1) Either:

(A) limit an insurer's death master file comparisons required by section 11 of this chapter to the insurer's electronic searchable files; or

(B) approve a plan and time period for conversion of an insurer's files to electronic searchable files.

(2) Either:

(A) exempt an insurer from the death master file comparisons required by section 11 of this chapter; or

(B) upon demonstration of hardship by the insurer, permit an insurer to perform the death master file comparisons less frequently than required by section 11 of this chapter.

(3) Allow an insurer to begin compliance with this chapter according to a plan and time period approved by the commissioner.

Sec. 18. (a) With respect to a policy, an annuity, or a retained asset account for which an insurer has knowledge of death:

(1) if:

(A) within one (1) year after the insurer has obtained the knowledge of death, the insurer:

(i) conducts reasonable search efforts; and

(ii) is unable to locate in Indiana a beneficiary under the policy, annuity, or retained asset account; or

(B) no beneficiary was named and the person, for purposes of IC 32-34-1, had a last known address in Indiana; and

(2) the insurer has, without success, attempted to make the contacts required by and in accordance with IC 32-34-1;

the insurer may, without further notice to or consent by the state, report and remit the proceeds of the policy, annuity, or retained asset account to the state on an early reporting basis in accordance with IC 32-34-1.

(b) After a report and remittance of proceeds described in subsection (a), the insurer is relieved and indemnified from any additional liability in relation to the proceeds, in accordance with IC 32-34-1.

Sec. 19. An insurer's failure to comply with this chapter is an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4.

Sec. 20. The department may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 27-4-1-4, AS AMENDED BY P.L.278-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or

circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender the policyholder's insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract. However, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever. However, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or

expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in

connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.

(B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.

(D) Paying by an insurer or insurance producer thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed insurance producer thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, an insurance producer, or a solicitor duly licensed under the laws of this state, but such broker, insurance producer, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.

(9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular

insurance producer or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of the lender's right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.

(10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.

(11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of insurance producers or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, insurance producer, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon of the right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

(A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.

(B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.

(C) Title insurance.

(D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.

(E) Insurance provided by or through motorists service clubs or associations.

(F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:

(i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;

(ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;

(iii) insures against baggage loss during the flight to which the ticket relates; or

(iv) insures against a flight cancellation to which the ticket relates.

(14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.

(15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

(16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as

defined in section 4.5 of this chapter).
(17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.
(18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).
(19) Violating IC 27-1-22-25, IC 27-1-22-26, or IC 27-1-22-26.1 concerning motor vehicle insurance rates.
(20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.
(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.
(22) Violating IC 27-8-26 concerning genetic screening or testing.
(23) Violating IC 27-1-15.6-3(b) concerning licensure of insurance producers.
(24) Violating IC 27-1-38 concerning depository institutions.
(25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning the resolution of an appealed grievance decision.
(26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) (expired July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1, 2007, and repealed).
(27) Violating IC 27-2-21 concerning use of credit information.
(28) Violating IC 27-4-9-3 concerning recommendations to consumers.
(29) Engaging in dishonest or predatory insurance practices in marketing or sales of insurance to members of the United States Armed Forces as:
(A) described in the federal Military Personnel Financial Services Protection Act, P.L.109-290; or
(B) defined in rules adopted under subsection (b).
(30) Violating IC 27-8-19.8-20.1 concerning stranger originated life insurance.
(31) Violating IC 27-2-22 concerning retained asset accounts.
(32) Violating IC 27-8-5-29 concerning health plans offered through a health benefit exchange (as defined in IC 27-19-2-8).
(33) Violating a requirement of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal

Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), that is enforceable by the state.

(34) After June 30, 2015, violating IC 27-2-23 concerning unclaimed life insurance, annuity, or retained asset account benefits.

(b) Except with respect to federal insurance programs under Subchapter III of Chapter 19 of Title 38 of the United States Code, the commissioner may, consistent with the federal Military Personnel Financial Services Protection Act (P.L.109-290), adopt rules under IC 4-22-2 to:

(1) define; and

(2) while the members are on a United States military installation or elsewhere in Indiana, protect members of the United States Armed Forces from;

dishonest or predatory insurance practices.

P.L.91-2014

[S.225. Approved March 25, 2014.]

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

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

SECTION 1. IC 4-10-22-3, AS AMENDED BY P.L.205-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **If,** after completing the presentation to the state budget committee described in section 2 of this chapter, ~~the governor shall do the following:~~

~~(1) If the amount of excess reserves on June 30 of any year is less than fifty million dollars ($50,000,000), the governor shall carry over the excess reserves to each subsequent year until the total excess reserves, including any carryover amount, equal at least~~

~~fifty million dollars ($50,000,000). In the year that the total excess reserves equal at least fifty million dollars ($50,000,000), the excess reserves shall be used as provided in subdivision (2).~~

~~(2) If in any year~~ the amount of the excess reserves is fifty million dollars ($50,000,000) or more, the governor shall do the following:

~~(A)~~ **(1)** If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

~~(B)~~ **(2)** If the year is calendar year 2014 or thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

SECTION 2. IC 4-23-7.1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) Subject to subsections (b) and (c), every state agency that issues public documents shall furnish the state library ~~fifty (50)~~ **twenty-five (25)** copies of all publications issued by them, whether printed ~~mimeographed, or duplicated in any way,~~ **or published electronically,** which are not issued solely for use within the issuing office. However, if the library requests, as many as twenty-five (25) additional copies of each public document shall be supplied.

(b) If other provision is made by law for the distribution of the session laws of the general assembly, the journals of the house and senate of the general assembly, the supreme court and court of appeals reports, or the publications of the Indiana historical bureau, any of the public documents for which distribution is provided are exempted from the depository requirements under subsection (a). However, two (2) copies of each document exempted under this subsection from the general depository requirements shall be deposited with the state library.

(c) If a public document issued by an agency is published in the Indiana Register in full or in summary form, the agency is exempt from providing copies of the published public document to the state library

under subsection (a).

(d) Publications of the various schools, colleges, divisions, and departments of the state universities and their regional campuses are exempt from the depository requirements under subsection (a). However, two (2) copies of each publication of these divisions shall be deposited in the state library.

(e) Publications of state university presses, directives for internal administration, intraoffice and interoffice publications, and forms are completely exempt from all depository requirements.

SECTION 3. IC 4-23-7.1-42, AS ADDED BY P.L.47-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 42. (a) The board may establish a foundation that is organized as a nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests, devises, and contributions. The board may transfer private funding, gifts, donations, bequests, devises, and contributions intended for the state library that are in the state treasury into the foundation.

(b) A foundation established under this section:

(1) shall use money received under subsection (a) to:

(A) support the state library and libraries in the state; and

(B) carry out the purposes and programs under this chapter; and

(2) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state treasury.

(c) The foundation established under this section is governed by a board of directors consisting of the following members:

(1) Seven (7) voting members appointed by the board of directors.

(2) The state treasurer, who shall serve as a nonvoting member.

(d) The members appointed under subsection (c)(1) shall be appointed for a term of three (3) years but may be removed by the governor for cause.

(e) The affirmative votes of at least four (4) members of the board of directors are required for the foundation to take any official action.

(f) Employees of the state library ~~shall~~ **may** provide administrative support for the foundation.

(g) **All** money ~~in~~ **under** the ~~foundation~~ **foundation's control is considered private funding and is not subject to state laws that apply to public funds. Money under the foundation's control** at the end of a state fiscal year does not revert to the state general fund.

(h) ~~The state board of accounts~~ **The foundation** shall ~~annually~~ **submit to an annual** audit. The foundation ~~established under this section~~ **may choose to have the audit performed by an independent certified public accountant or by the state board of accounts.**

SECTION 4. IC 4-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The annual reports of the meetings of the Indiana Academy of Science, beginning with the report for the year 1894, including all papers of scientific or economic value presented at such meetings, after they shall have been edited and prepared for publication shall be published by the ~~commission on public records.~~ **Indiana Academy of Science.**

SECTION 5. IC 4-23-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The reports shall be edited and prepared for publication without expense to the state, by a corps of editors to be selected and appointed by the Indiana Academy of Science, who shall not, by reason of such services, have any claim against the state for compensation. The form, style of binding, paper, typography, and manner and extent of illustration of the reports shall be determined by the editors. ~~subject to the approval of the commission on public records.~~ Not less than ~~fifteen~~ **one** hundred ~~(1,500)~~ **(100)** nor more than three thousand (3,000) copies of each of said reports shall be published, the ~~size~~ **number** of ~~the edition to~~ **which must** be determined by the concurrent ~~action~~ **decision** of the editors and the ~~commission on public records.~~ **Indiana state library.**

SECTION 6. IC 4-23-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~All except three hundred (300)~~ **(a) The Indiana Academy of Science shall provide** copies of each volume of said reports ~~shall be placed in the custody of~~ **to** the **Indiana** state ~~librarian, who~~ **library. The number of copies provided to the Indiana state library shall be determined by the Indiana Academy of Science and the state librarian. The Indiana state library** shall, **upon request,** furnish one (1) copy thereof to **the following:**

(1) Each public library in the state. ~~one (1) copy to~~

(2) Each university **or** college ~~or normal school~~ in the state. ~~one~~

~~(1) copy to each high school in the state having a library. which shall make application therefor, and one (1) copy to such~~

(3) Other institutions, societies, or persons ~~as may be~~ designated by the academy through its editors or its council. ~~The remaining three hundred (300) copies shall be turned over to the academy to be disposed of as it may determine. In order to provide for the preservation of the same, it shall be the duty of the custodian of the state-house to provide and place at the disposal of the academy one (1) of the unoccupied rooms of the state-house, to be designated as the office of the Indiana Academy of Science, wherein said copies of said reports belonging to the academy, together with the original manuscripts, drawings, etc., thereof can be safely kept, and he shall also equip the same with the necessary shelving and furniture.~~

(b) The Indiana Academy of Science shall pay for shipping of a report under subsection (a) to a recipient located outside Indiana.

(c) To the extent that the Indiana Academy of Science makes papers and proceedings of the Indiana Academy of Science available to the public through open electronic access, the Indiana state library has no duty to furnish hard copies of the papers and proceedings.

SECTION 7. IC 4-23-10-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. Beginning with the first day of October, 1921, and annually thereafter, there is appropriated the sum of twelve hundred dollars ($1,200), said moneys to be used to pay for the printing of the proceedings and papers of the Indiana Academy of Science, provided that any unexpended balance of any of said sums shall be carried forward and be available for the use of said academy for future years.~~

SECTION 8. IC 5-10-8-0.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.5. Notwithstanding the amendments made to sections 2.2 and 2.6 of this chapter, and IC 20-5-2-2 (before its repeal, now codified at IC 20-26-5-4), and the addition of section 6.6 of this chapter by P.L.286-2001, the coverage that may be elected under section 6.6 of this chapter, as added by P.L.286-2001:~~

~~(1) need not be made available before January 1, 2002; but~~

~~(2) must be made available not later than January 1, 2002.~~

SECTION 9. IC 5-10-8-2.2, AS AMENDED BY P.L.182-2009(ss), SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 2.2. (a) As used in this section, "dependent" means a natural child, stepchild, or adopted child of a public safety employee who:

(1) is less than eighteen (18) years of age;

(2) is at least eighteen (18) years of age and has a physical or mental disability (using disability guidelines established by the Social Security Administration); or

(3) is at least eighteen (18) and less than twenty-three (23) years of age and is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university.

(b) As used in this section, "public safety employee" means a full-time firefighter, police officer, county police officer, or sheriff.

(c) This section applies only to local unit public employers and their public safety employees.

(d) A local unit public employer may provide programs of group health insurance for its active and retired public safety employees through one (1) of the following methods:

(1) By purchasing policies of group insurance.

(2) By establishing self-insurance programs.

~~(3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.~~

~~(4)~~ **(3)** If the local unit public employer is a school corporation, by electing to provide the coverage through a state employee health plan under section 6.7 of this chapter.

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance

contract under this section during the policy term of the contract.

(g) After June 30, 1989, a local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

(1) Retired public safety employees.

(2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.

(3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A public safety employee who is retired or has a disability and is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

(1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and

(3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), IC 36-8-8-14.1(h), and IC 36-8-10-16.5 for a surviving spouse or dependent of a public safety employee who dies in the line of duty, a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

(1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and

(3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or dependents'

premiums).

(j) The eligibility for group health insurance under this section for a public safety employee who is retired or has a disability ends on the earlier of the following:

(1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) The date of the surviving spouse's remarriage.

(4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) When the dependent no longer meets the criteria set forth in subsection (a).

(4) When health insurance becomes available to the dependent through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public

safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 10. IC 5-10-8-2.6, AS AMENDED BY P.L.182-2009(ss), SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.6. (a) This section applies only to local unit public employers and their employees. This section does not apply to public safety employees, surviving spouses, and dependents covered by section 2.2 of this chapter.

(b) A public employer may provide programs of group insurance for its employees and retired employees. The public employer may, however, exclude part-time employees and persons who provide services to the unit under contract from any group insurance coverage that the public employer provides to the employer's full-time employees. A public employer may provide programs of group health insurance under this section through one (1) of the following methods:

(1) By purchasing policies of group insurance.

(2) By establishing self-insurance programs.

~~(3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.~~

~~(4)~~ **(3)** If the local unit public employer is a school corporation, by electing to provide the coverage through a state employee health plan under section 6.7 of this chapter.

A public employer may provide programs of group insurance other than group health insurance under this section by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(c) A public employer may pay a part of the cost of group insurance, but shall pay a part of the cost of group life insurance for local employees. A public employer may pay, as supplemental wages, an amount equal to the deductible portion of group health insurance as long as payment of the supplemental wages will not result in the payment of the total cost of the insurance by the public employer.

(d) An insurance contract for local employees under this section may not be canceled by the public employer during the policy term of the contract.

(e) After June 30, 1986, a public employer shall provide a group health insurance program under subsection (g) to each retired employee:

(1) whose retirement date is:

(A) after May 31, 1986, for a retired employee who was a teacher (as defined in IC 20-18-2-22) for a school corporation; or

(B) after June 30, 1986, for a retired employee not covered by clause (A);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(3) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and

(4) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

(f) A group health insurance program required by subsection (e) must be equal in coverage to that offered active employees and must permit the retired employee to participate if the retired employee pays an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active employee and if the employee, within ninety (90) days after the employee's retirement date, files a written request with the employer for insurance coverage. However, the employer may elect to pay any part of the retired employee's premiums.

(g) A retired employee's eligibility to continue insurance under subsection (e) ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under subsection (e) may elect to have the employee's spouse covered under the health insurance

program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the public employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(i) A public employer may provide group health insurance for retired employees or their spouses not covered by subsections (e) through (g) and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by subsections (e) through (g). A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 11. IC 5-10-8-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.6. (a) As used in this section, "local unit group" means all of the local units that elect to provide coverage for health care services for active and retired:

(1) elected or appointed officers and officials;

(2) full-time employees; and

(3) part-time employees;

of the local unit under this section.

(b) As used in this section, "state employee health plan" means:

(1) an accident and sickness insurance policy (as defined in

IC 27-8-5.6-1) purchased through the state personnel department under section 7(a) of this chapter; or

(2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(c) The state personnel department shall allow a local unit to participate in the local unit group by electing to provide coverage of health care services for active and retired:

(1) elected or appointed officers and officials;

(2) full-time employees; and

(3) part-time employees;

of the local unit under a state employee health plan. **This subsection expires July 1, 2014.**

(d) If a local unit elects to provide coverage under subsection (c):

(1) the local unit group must be treated as a single group that is separate from the group of state employees that is covered under a state employee health plan;

(2) the state personnel department shall:

(A) establish:

(i) the premium costs, as determined by an accident and sickness insurer or a prepaid health care delivery plan under which coverage is provided under this section;

(ii) the administrative costs; and

(iii) any other costs;

of the coverage provided under this section, including the cost of obtaining insurance or reinsurance, for the local unit group as a whole; and

(B) establish a uniform premium schedule for each accident and sickness insurance policy or prepaid health care delivery plan under which coverage is provided under this section for the local unit group; and

(3) the local unit shall provide for payment of the cost of the coverage as provided in sections 2.2 and 2.6 of this chapter.

The premium determined under subdivision (2) and paid by an individual local unit shall not be determined based on claims made by the local unit. **This subsection expires July 1, 2014.**

(e) The state personnel department shall provide an annual opportunity for local units to elect to provide or terminate coverage

under subsection (c). **This subsection expires July 1, 2014.**

(f) The state personnel department may adopt rules under IC 4-22-2 to establish minimum participation and contribution requirements for participation in a state employee health plan under this section. **This subsection expires July 1, 2014.**

(g) The state personnel department shall not, after June 30, 2014, amend or renew:

(1) an accident and sickness insurance policy; or

(2) a prepaid health care delivery plan;

that is in effect on June 30, 2014, to provide coverage under this section for the local unit group.

(h) An accident and sickness insurance policy or a prepaid health care delivery plan that is in effect on June 30, 2014, to provide coverage under this section for the local unit group terminates on the first policy or plan renewal date occurring after June 30, 2014.

SECTION 12. IC 5-10-8-7, AS AMENDED BY P.L.138-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The state, excluding state educational institutions, may not purchase or maintain a policy of group insurance, except:

(1) life insurance for the state's employees;

(2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees;

(3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that:

(A) is in effect on June 30, 2014; and

(B) covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter;

may be maintained until the first policy renewal date after June 30, 2014; or

(4) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation

for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department:

(1) may contract for health services for state employees **through one (1) or more prepaid health care delivery plans;** and

(2) may maintain a contract:

(A) for health services for individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans; **and**

(B) that is in effect on June 30, 2014;

until the first policy renewal date after June 30, 2014.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

(1) require participation in the plan by employees with six (6) months of continuous, full-time service;

(2) require an employee to make a contribution to the plan in the form of a payroll deduction;

(3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;

(4) prohibit the termination of an employee who is eligible for benefits under the plan;

(5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;

(6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:

(A) Social Security;

(B) the public employees' retirement fund;

(C) the Indiana state teachers' retirement fund;

(D) pension disability;

(E) worker's compensation;

(F) benefits provided from another employer's group plan; or

(G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).);

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

(A) accept work assignments appropriate to the employee's medical condition;

(B) submit information necessary for claim administration; or

(C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

(i) To carry out the purposes of this section, a trust fund may be established. The trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund

established under this subsection does not revert to the state general fund at the end of any state fiscal year. The trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to the trust fund are irrevocable. The trust fund must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. The trust fund shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in the trust fund established under this subsection:

(1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and

(2) are exempt from levy, sale, garnishment, attachment, or other legal process.

The trust fund established under this subsection shall be administered by the state personnel department. The expenses of administering the trust fund shall be paid from money in the trust fund. The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the trust fund in the same manner as other public money may be invested.

SECTION 13. IC 5-10-8-8, AS AMENDED BY P.L.43-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies only to the state and employees who are not covered by a plan established under section 6 of this chapter.

(b) After June 30, 1986, the state shall provide a group health insurance plan to each retired employee:

(1) whose retirement date is:

(A) after June 29, 1986, for a retired employee who was a member of the field examiners' retirement fund;

(B) after May 31, 1986, for a retired employee who was a member of the Indiana state teachers' retirement fund; or

(C) after June 30, 1986, for a retired employee not covered by clause (A) or (B);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(3) who:

(A) for an employee who retires before January 1, 2007, will have completed:

(i) twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement; and

(ii) at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date; or

(B) for an employee who retires after December 31, 2006, will have completed fifteen (15) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement.

(c) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired judge;

(2) whose retirement date is after June 30, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired participant under the prosecuting attorneys retirement fund;

(2) whose retirement date is after January 1, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall make available a group health insurance program to each former member of the general assembly or surviving spouse of each former member, if the former member:

(1) is no longer a member of the general assembly;

(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(3) has at least ten (10) years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) and subsection (k) must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. Except as provided in subsection (l), the employer may elect to pay any part of the retired employee's premium with respect to insurance coverage under this chapter.

(g) Except as provided in subsection (j), a retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under

this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

(j) An employer may elect to permit former employees and their spouses, including surviving spouses, to continue to participate in a group health insurance program under this chapter after the former employee (who is otherwise qualified under this chapter to participate in a group insurance program) or spouse has become eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. ~~An employer who makes an election under this section may require a person who continues coverage under this subsection to participate in a retiree health benefit plan developed under section 8.3 of this chapter.~~

(k) The state shall provide a group health insurance program to each retired employee:

(1) who was employed as a teacher in a state institution under:

(A) IC 11-10-5;

(B) IC 12-24-3;

(C) IC 16-33-3;

(D) IC 16-33-4;

(E) IC 20-21-2-1; or

(F) IC 20-22-2-1;

(2) who is at least fifty-five (55) years of age on or before the employee's retirement date;

(3) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(4) who:

(A) has at least fifteen (15) years of service credit as a participant in the retirement fund of which the employee is a member on or before the employee's retirement date; or

(B) completes at least ten (10) years of service credit as a participant in the retirement fund of which the employee is a member immediately before the employee's retirement.

(l) The president pro tempore of the senate and the speaker of the house of representatives may not elect to pay any part of the premium for insurance coverage under this chapter for a former member of the general assembly or the spouse of a former member of the general assembly whose last day of service as a member of the general assembly is after July 31, 2007.

SECTION 14. IC 5-10-8-8.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.3. (a) As used in this section, "department" refers to the state personnel department.

(b) The department shall establish, or contract for the establishment of, at least two (2) retiree health benefit plans to be available for former employees of:

(1) the state; and

(2) the legislative branch of government;

whose employer elects under section 8(j) of this chapter to permit its former employees to continue to participate in a health insurance program under this chapter after the employees have become eligible for Medicare coverage. At least one (1) of the plans offered to former employees must include coverage for prescription drugs comparable to a Medicare plan that provides prescription drug benefits. **This subsection expires July 1, 2014.**

(c) The department shall not, after June 30, 2014, amend or renew a retiree health benefit plan described in subsection (b) that is in effect on June 30, 2014.

(d) A retiree health benefit plan described in subsection (b) that is in effect on June 30, 2014, terminates on the first plan renewal date occurring after June 30, 2014.

SECTION 15. IC 5-10.3-8-14, AS AMENDED BY P.L.205-2013, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014]: Sec. 14. (a) Except as provided in subsection (c), this section applies to employees of the state (as defined in IC 5-10.3-7-1(d)) who are:

(1) members of the fund; and

(2) paid by the auditor of state by salary warrants.

(b) Except as provided in subsection (c), this section does not apply to the employees of the state (as defined in IC 5-10.3-7-1(d)) employed by:

(1) a body corporate and politic of the state created by state statute; or

(2) a state educational institution (as defined in IC 21-7-13-32).

(c) The chief executive officer of a body or institution described in subsection (b) may elect to have this section apply to the employees of the state (as defined in IC 5-10.3-7-1(d)) employed by the body or institution by submitting a written notice of the election to the director. An election under this subsection is effective on the later of:

(1) the date the notice of the election is received by the director; or

(2) July 1, 2013.

(d) The board shall adopt provisions to establish a retirement medical benefits account within the fund under Section 401(h) or as a separate fund under another applicable section of the Internal Revenue Code for the purpose of converting unused excess accrued leave to a monetary contribution for an employee of the state to fund on a pretax basis benefits for sickness, accident, hospitalization, and medical expenses for the employee and the spouse and dependents of the employee after the employee's retirement. The state may match all or a portion of an employee's contributions to the retirement medical benefits account established under this section.

(e) The board is the trustee of the account described in subsection (d). The account must be qualified, as determined by the Internal Revenue Service, as a separate account within the fund whose benefits are subordinate to the retirement benefits provided by the fund.

(f) The board may adopt rules under IC 5-10.5-4-2 that it considers appropriate or necessary to implement this section after consulting with the state personnel department. The rules adopted by the board under

this section must:

(1) be consistent with the federal and state law that applies to:

(A) the account described in subsection (d); and

(B) the fund; and

(2) include provisions concerning:

(A) the type and amount of leave that may be converted to a monetary contribution;

(B) the conversion formula for valuing any leave that is converted;

(C) the manner of employee selection of leave conversion; and

(D) the vesting schedule for any leave that is converted.

(g) The board may adopt the following:

(1) Account provisions governing:

(A) the investment of amounts in the account; and

(B) the accounting for converted leave.

(2) Any other provisions that are necessary or appropriate for operation of the account.

(h) The account described in subsection (d) may be implemented only if the board has received from the Internal Revenue Service any rulings or determination letters that the board considers necessary or appropriate.

(i) To the extent allowed by:

(1) the Internal Revenue Code; and

(2) rules adopted by:

(A) the board under this section; and

(B) the state personnel department under IC 5-10-1.1-7.5;

employees of the state may convert unused excess accrued leave to a monetary contribution under this section and under IC 5-10-1.1-7.5.

~~(j) To the extent allowed by the Internal Revenue Code, the account described in subsection (d) must include provisions that:~~

~~(1) require an employee of the state to convert to a monetary contribution to the account at retirement the balance, but not more than thirty (30) days, of unused vacation leave for which the state would otherwise pay an employee in good standing at separation from service (as determined by state personnel department rule); and~~

~~(2) allow the state to contribute to the account on the employee's behalf an amount not to exceed two (2) times the amount of the~~

~~employee's contribution under subdivision (1).~~

~~(k) The account described in subsection (d) must be implemented on July 1, 2014.~~

SECTION 16. IC 6-1.1-15-4, AS AMENDED BY P.L.112-2012, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors that may have been made and adjust the assessment or exemption in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the county assessor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment or exemption is under appeal is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the taxpayer, the county assessor, and any entity that filed an amicus curiae brief:

(1) notice, by mail, of its final determination; and

(2) for parties entitled to appeal the final determination, notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) Except as provided in subsection (f), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(f) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4 or IC 6-1.1-4-4.2, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(g) Except as provided in subsection (h), the Indiana board shall make a determination not later than the later of:

(1) ninety (90) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4 or IC 6-1.1-4-4.2, the Indiana board shall make a determination not later than the later of:

(1) one hundred eighty (180) days after the hearing; or

(2) the date set in an extension order issued by the Indiana board.

(i) The Indiana board may not extend the final determination date under subsection (g) or (h) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this section, the entity that initiated the petition may:

(1) take no action and wait for the Indiana board to make a final determination; or

(2) petition for judicial review under section 5 of this chapter.

(j) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(k) The Indiana board may limit the scope of the appeal to the issues

raised in the petition and the evaluation of the evidence presented to the county board in support of those issues only if all parties participating in the hearing required under subsection (a) agree to the limitation. A party participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county board.

(l) The Indiana board may require the parties to the appeal:

(1) to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and

(2) to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(m) A party to a proceeding before the Indiana board shall provide to all other parties to the proceeding the information described in subsection (l) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (l).

(n) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

(1) order that a final determination under this subsection has no precedential value; or

(2) specify a limited precedential value of a final determination under this subsection.

(o) If a party to a proceeding, or a party's authorized representative, elects to receive any notice under this section by electronic mail, the notice is considered effective in the same manner as if the notice had been sent by United States mail, with postage prepaid, to the party's or representative's mailing address of record.

SECTION 17. IC 8-15.5-1-2, AS AMENDED BY P.L.205-2013, SECTION 136, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, ~~and~~ a private entity, **and, where applicable, a governmental entity.** Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact

a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than one hundred thousand (100,000) and less than one hundred ten thousand (110,000) located in a county having a consolidated city.

(2) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(3) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) Except as provided in subsection (c)(1), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

SECTION 18. IC 8-15.5-2-3.5, AS ADDED BY P.L.85-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. "Governmental entity" means:

(1) any state;

(2) any authority, board, bureau, commission, committee, **agency,** department, division, or other instrumentality established by any state, **including a unit of local government;** or

(3) any entity established by the laws of another state in which the state of Indiana has been invited to participate.

SECTION 19. IC 8-15.5-2-6, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. "Private entity" means any individual, sole proprietorship, corporation, limited liability company, joint venture, general partnership, limited partnership, nonprofit entity, or other private legal entity. A ~~public agency~~ **governmental entity** may provide services to a private entity without affecting the private status of the private entity and the ability to enter into a public-private agreement.

SECTION 20. IC 8-15.5-2-8, AS AMENDED BY P.L.205-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. "Public-private agreement" means an agreement under this article between a private entity and the authority under which the private entity, acting on behalf of the authority **(and, where applicable, a governmental entity)** as lessee,

licensee, or franchisee, will plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a project.

SECTION 21. IC 8-15.5-2-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9.7. "Unit of local government" means a:**

(1) county;

(2) city;

(3) town; or

(4) township;

located in Indiana.

SECTION 22. IC 8-15.5-3-1, AS AMENDED BY P.L.205-2013, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Subject to the other provisions of this article, the authority, **a governmental entity,** and a private entity may enter into a public-private agreement with respect to a project. Subject to the requirements of this article, a public-private agreement may provide that the private entity is partially or entirely responsible for any combination of the following activities with respect to the project:

(1) Planning.

(2) Design.

(3) Acquisition.

(4) Construction.

(5) Reconstruction.

(6) Improvement.

(7) Extension or expansion.

(8) Operation.

(9) Repair.

(10) Management.

(11) Maintenance.

(12) Financing.

SECTION 23. IC 8-15.5-4-1.5, AS AMENDED BY P.L.205-2013, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This section does not apply to a freeway project.

(b) The authority may not issue a request for proposals for a toll

road project under this article unless the authority has received a preliminary feasibility study and an economic impact study for the project from the department. ~~prepared in the same manner as required by IC 8-15.7-4-1.~~

(c) The economic impact study must, at a minimum, include an analysis of the following matters with respect to the proposed project:

(1) Economic impacts on existing commercial and industrial development.

(2) Potential impacts on employment.

(3) Potential for future development near the project area, including consideration of locations for interchanges that will maximize opportunities for development.

(4) Fiscal impacts on revenues to local units of government.

(5) Demands on government services, such as public safety, public works, education, zoning and building, and local airports.

The authority shall post a copy of the economic impact study on the authority's Internet web site and shall also provide copies of the study to the governor and the legislative council (in an electronic format under IC 5-14-6).

(d) After completion of the economic impact study, the authority must conduct a public hearing on the results of the study in the county seat of the county in which the proposed project would be located. At least ten (10) days before each public hearing, the authority shall:

(1) post notice of the public hearing on the authority's Internet web site;

(2) publish notice of the public hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county; and

(3) include in the notices under subdivisions (1) and (2):

(A) the date, time, and place of the hearing;

(B) the subject matter of the hearing;

(C) a description of the purpose of the economic impact study;

(D) a description of the proposed project and its location; and

(E) a statement concerning the availability of the study on the authority's Internet web site.

At the hearing, the authority shall allow the public to be heard on the economic impact study and the proposed project.

SECTION 24. IC 8-15.5-4-9, AS AMENDED BY P.L.205-2013,

SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) If the authority makes a preliminary selection of an operator under section 8 of this chapter, the authority shall schedule a public hearing on the preliminary selection and the terms of the public-private agreement for the project. The hearing shall be conducted in the county seat of ~~the~~ **any Indiana** county in which the proposed project is to be located.

(b) At least ten (10) days before the public hearing, the authority shall post on its Internet web site:

(1) the proposal submitted by the offeror that has been preliminarily selected as the operator for the project, except for those parts of the proposal that are confidential under this article; and

(2) the proposed public-private agreement for the project.

(c) At least ten (10) days before the public hearing, the authority shall:

(1) post notice of the public hearing on the authority's Internet web site; and

(2) publish notice of the hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the **Indiana** county in which the proposed project is to be located.

(d) The notices required by subsection (c) must include the following:

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

(2) The subject matter of the hearing.

(3) A description of the project and of the public-private agreement to be awarded.

(4) The identity of the offeror that has been preliminarily selected as the operator for the project.

(5) The address and telephone number of the authority.

(6) A statement indicating that, subject to section 6 of this chapter, and except for those portions that are confidential under this chapter, the following are available on the authority's Internet web site and are also available for public inspection and copying at the principal office of the authority during regular business hours:

(A) The selected offer.

(B) An explanation of the basis upon which the preliminary

selection was made.

(C) The proposed public-private agreement for the project.

(e) At the hearing, the authority shall allow the public to be heard on the preliminary selection of the operator for the proposed project and the terms of the public-private agreement for the proposed project.

SECTION 25. IC 8-15.5-4-12, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Any action to contest the validity of a public-private agreement **or any underlying agreement related to the public-private project that is** entered into under this ~~chapter~~ **article** may not be brought after the fifteenth day following the publication of the notice of the designation of an operator under the public-private agreement as provided in section 11 of this chapter.

SECTION 26. IC 8-15.5-5-2, AS AMENDED BY P.L.205-2013, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A public-private agreement entered into under this article must provide for the following:

(1) The original term of the public-private agreement, which may not exceed seventy-five (75) years.

(2) Provisions for a:

(A) lease, franchise, or license of the project and the real property owned by the authority upon which the project is located or is to be located; or

(B) management agreement or other contract to operate the project and the real property owned by the authority upon which the project is located or is to be located;

for a predetermined period. The public-private agreement must provide for ownership of all improvements and real property by the authority in the name of the state **or by a governmental entity, or both.**

(3) Monitoring of the operator's maintenance practices by the authority and the taking of actions by the authority that it considers appropriate to ensure that the project is properly maintained.

(4) The basis upon which user fees that may be collected by the operator, as determined under this article, are established.

(5) Compliance with applicable state and federal laws and local ordinances.

(6) Grounds for termination of the public-private agreement by the authority or the operator.

(7) The date of termination of the operator's authority and duties under this article.

(8) Procedures for amendment of the agreement.

(9) Provisions requiring the completion of all environmental analyses of the project required by state and federal law in the manner and at the times required by the appropriate state and federal agencies.

(10) An expedited method for resolving disputes between or among the authority, the parties to the public-private agreement, and units of local government that contain any part of the project, as required by IC 8-15.5-10-8.

SECTION 27. IC 8-15.5-5-5, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Notwithstanding any contrary provision of this article, the authority may enter into a public-private agreement with multiple private entities **or with another governmental entity,** if the authority determines in writing that it is in the public interest to do so.

SECTION 28. IC 8-15.5-5-6, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The department or any other state agency **or governmental entity** may perform any duties and exercise any powers of the authority under this article or the public-private agreement that have been assigned, subcontracted, or delegated to it by the authority.

SECTION 29. IC 8-15.5-6-4, AS AMENDED BY P.L.205-2013, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Each project constructed or operated **in the state of Indiana** under this article ~~is considered~~ **may be determined by the department** to be part of the state highway system designated under IC 8-23-4-2 for purposes of identification, maintenance standards, and enforcement of traffic laws.

SECTION 30. IC 8-15.5-8-1, AS AMENDED BY P.L.205-2013, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **Notwithstanding IC 4-4-11-36.1(b), IC 4-4-11-36.1(c), or any other law,** a project and tangible personal property used exclusively in connection with a project that are:

(1) owned by the authority **or a governmental entity** and leased, franchised, licensed, or otherwise conveyed to an operator; or

(2) acquired, constructed, or otherwise provided by an operator in connection with ~~the~~ **a** project;

under the terms of a public-private agreement are considered to be public property devoted to an essential public and governmental function and purpose and the property, and an operator's leasehold estate, franchise, license, and other interests in the property, are exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

SECTION 31. IC 8-15.5-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. Notwithstanding IC 4-4-11-36.1(b), IC 4-4-11-36.1(c), or any other law, any interest in a project, including all tangible personal property used exclusively in connection with a project, that is:**

(1) owned by:

(A) the authority;

(B) an adjacent state or commonwealth; or

(C) a political subdivision or instrumentality of an adjacent state or commonwealth; and

(2) acquired, constructed, or otherwise provided in connection with a project by;

(A) an operator;

(B) an adjacent state or commonwealth; or

(C) a political subdivision or instrumentality of an adjacent state or commonwealth;

is considered to be public property devoted to an essential public and governmental function and purpose. This property, and a leasehold estate, franchise, license, or other interests in the property, is exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

SECTION 32. IC 8-15.5-10-2, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The authority may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's duties and the execution of the authority's powers under

this article. These contracts or agreements are not subject to any approvals other than the approval of the authority and may be for any term of years and contain any terms that are considered reasonable by the authority.

(b) The department and any other ~~state agency~~ **governmental entity** may make and enter into all contracts and agreements necessary or incidental to the performance of the duties and the execution of the powers granted to the department or the ~~state agency~~ **governmental entity** in accordance with this article or the public-private agreement. These contracts or agreements are not subject to any approvals other than the approval of the department or ~~state agency~~ **governmental entity** and may be for any term of years and contain any terms that are considered reasonable by the department or the ~~state agency.~~ **governmental entity.**

SECTION 33. IC 10-13-3-40, AS ADDED BY P.L.190-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. ~~(a) The department may use the appropriations described in subsection (b) for either or both of the following purposes:~~

~~(1) Operating and maintaining the central repository for criminal history data.~~

~~(2) Establishing, operating, or maintaining an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7.~~

~~(b)~~ If the amount of money that is deposited in the state general fund during a state fiscal year from handgun license fees (as described in IC 35-47-2-4) exceeds one million one hundred thousand dollars ($1,100,000), the excess is appropriated from the state general fund to the department. ~~for the purposes described in subsection (a).~~ An appropriation under this section is subject to allotment by the budget agency.

SECTION 34. IC 36-1-12-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.2. The following definitions apply throughout this chapter:

(1) "Board" means the board or officer of a political subdivision or an agency having the power to award contracts for public work.

(2) "Contractor" means a person who is a party to a public work contract with the board.

(3) "Subcontractor" means a person who is a party to a contract

with the contractor and furnishes and performs labor on the public work project. The term includes material men who supply contractors or subcontractors.

(4) "Escrowed income" means the value of all property held in an escrow account over the escrowed principal in the account.

(5) "Escrowed principal" means the value of all cash and securities or other property placed in an escrow account.

(6) "Operating agreement" has the meaning set forth in IC 5-23-2-7.

(7) "Person" means any association, corporation, limited liability company, fiduciary, individual, joint venture, partnership, sole proprietorship, or any other legal entity.

(8) "Property" means all:

(A) personal property, fixtures, furnishings, inventory, and equipment; and

(B) real property.

(9) "Public fund" means all funds that are:

(A) derived from the established revenue sources of a political subdivision or an agency of a political subdivision; and

(B) deposited in a general or special fund of a municipal corporation, or another political subdivision or agency of a political subdivision.

The term does not include funds received by any person managing or operating a public ~~facility~~ **project** under a duly authorized operating agreement under IC 5-23 or proceeds of bonds payable exclusively by a private entity.

(10) "Retainage" means the amount to be withheld from a payment to the contractor or subcontractor until the occurrence of a specified event.

(11) "Specifications" means a description of the physical characteristics, functional characteristics, extent, or nature of any public work required by the board.

(12) "Substantial completion" refers to the date when the construction of a structure is sufficiently completed, in accordance with the plans and specifications, as modified by any complete change orders agreed to by the parties, so that it can be occupied for the use for which it was intended.

P.L.92-2014
[S.245. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-34-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 4.5. Auto-Injectable Epinephrine

Sec. 1. (a) A school may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine in the school if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the school or school district.

(b) The school shall store the auto-injectable epinephrine in a safe location in which only school personnel have access.

Sec. 2. (a) A school nurse may administer auto-injectable epinephrine obtained under section 1 of this chapter to any of the following individuals if the individual is demonstrating signs or symptoms of life-threatening anaphylaxis and the individual does not have epinephrine at the school or the individual's prescription is not available:

(1) Students at the school.

(2) School personnel.

(3) Visitors at the school.

(b) School employees may administer auto-injectable epinephrine obtained under section 1 of this chapter if the following are met:

(1) The school employee has voluntarily received training in:

(A) recognizing anaphylaxis; and

(B) the proper administration of auto-injectable

epinephrine;

by a health care provider who is licensed or certified in Indiana, for whom the administration of auto-injectable epinephrine is within the health care provider's scope of practice, who has received training in the administration of auto-injectable epinephrine, and who is knowledgeable in recognizing the symptoms of anaphylaxis and the administration of auto-injectable epinephrine.

(2) The individual to whom the epinephrine is being administered is:

(A) a student at the school;

(B) a member of school personnel; or

(C) a visitor at the school.

Sec. 3. (a) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for auto-injectable epinephrine for the school or school district.

(b) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for auto-injectable epinephrine issued in the name of a school or school district.

Sec. 4. (a) A school nurse or school employee who administers auto-injectable epinephrine in accordance with the manufacturer's guidelines and with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A licensed health care provider who:

(1) writes a prescription, drug order, or protocol under this chapter; or

(2) provides training to school personnel under this chapter;

is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter.

SECTION 2. IC 34-30-2-85.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 85.6. IC 20-34-4.5-4 (Concerning school nurses, school personnel, and health care providers and the administration of auto-injectable epinephrine).**

P.L.93-2014
[S.248. Approved March 25, 2014.]

AN ACT concerning human services.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "psychiatric crisis intervention" means services to identify and treat symptoms and conditions of psychiatric emergencies, including attempted suicide, substance dependence, alcohol intoxication, acute depression, presence of delusions, violence, panic attacks, and significant, rapid changes in behavior. The services may include diagnostic assessment, short term treatment, mobilization teams to carry out interventions at patients' residences and other locations, emergency management services to prevent further crisis, inpatient and outpatient psychiatric services, telephone counseling that is provided on a twenty-four (24) hours a day, seven (7) days a week basis, and other related services.**

(b) Before September 1, 2015, the office of the secretary of family and social services shall provide to the legislative council a report setting forth the following concerning comprehensive psychiatric crisis intervention services:

(1) The services that are available in Indiana for psychiatric crisis intervention in urban and rural areas of Indiana.

(2) To what extent the psychiatric crisis intervention services are coordinated and integrated across health care delivery systems.

(3) New services that are needed in Indiana for psychiatric crisis intervention.

(4) The cost of the needed new services identified under subdivision (3), including any cost offset for current expenditures that would no longer be needed.

(5) The roles of private sector providers and the public sector,

including local and state government, for services identified under subdivisions (1) through (4).

A report to the legislative council under this subsection must be submitted in an electronic format under IC 5-14-6.

(c) The report required in subsection (b) must include recommendations to coordinate and integrate the state's response to psychiatric crisis, including an evaluation of the need for or better use of the following:

(1) Prevention services.

(2) Assertive community treatment.

(3) Telephone crisis and triage intervention.

(4) Crisis intervention teams.

(5) Mobile crisis outreach teams.

(6) Urgent care centers.

(7) Crisis residential services.

(8) Transportation services.

(9) Medically monitored detoxification.

(10) Hospitalization.

(11) Linkage to community based services.

(d) This SECTION expires December 31, 2015.

SECTION 2. **An emergency is declared for this act.**

P.L.94-2014
[S.249. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-25-2, AS AMENDED BY SEA 422-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The total amount of money required for the redemption of real property equals:

(1) the sum of the amounts prescribed in subsections (b) through (f); or

(2) the amount prescribed in subsection (g);

reduced by any amounts held in the name of the taxpayer or the purchaser in the tax sale surplus fund.

(b) Except as provided in subsection (g), the total amount required for redemption includes:

(1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or

(2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if: the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus:

(1) five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, **if the date of sale occurs after June 30, 2014; or**

(2) ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs before July 1, 2014.

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus:

(1) five percent (5%) per annum on those taxes and special assessments, if the date of sale occurs after June 30, 2014; or

(2) ten percent (10%) interest per annum on those taxes and special assessments**, if the date of sale occurs before July 1, 2014.**

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued after the sale.

(g) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (f), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 2. IC 6-1.1-25-4, AS AMENDED BY SEA 422-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The period for redemption of real property sold under IC 6-1.1-24 except for IC 6-1.1-24-1.5 is:

(1) one (1) year after the date of sale; or

(2) one hundred twenty (120) days after the date of sale to a

purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1.

(b) Subject to subsection (l) and IC 6-1.1-24-9(d), the period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county executive acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is sold under IC 6-1.1-24;

is one hundred twenty (120) days after the date of sale of the certificate of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor. If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5 is not received, the county auditor shall issue a deed to the real property, subject to this chapter.

(e) When a deed is issued to a county executive under this chapter, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (e). However, subject to subsection (g), the estate is subject to:

(1) all easements, covenants, declarations, and other deed restrictions shown by public records;

(2) laws, ordinances, and regulations concerning governmental

police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and

(3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter for real property sold in a tax sale:

(1) does not operate to extinguish an easement recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located, regardless of whether the easement was taxed under this article separately from the real property; and

(2) conveys title subject to all easements recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located.

(h) A tax deed executed under this chapter is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(i) A county auditor is not required to execute a deed to the county executive under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county executive may enter the property to conduct environmental investigations.

(j) If the county executive makes the determination under subsection (i) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk, following the procedures in IC 6-1.1-23-9. After the date of the county treasurer's certification, the certified amount is subject to collection as delinquent personal property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(k) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate

the taxes, special assessments, interest, penalties, and costs remaining due as the difference between:

(1) the amount of:

(A) the last minimum bid under IC 6-1.1-24-5; plus

(B) any penalty associated with a delinquency that was not due until after the date of the sale under IC 6-1.1-24-5 but is due before the issuance of the certificate of sale, with respect to taxes included in the minimum bid that were not due at the time of the sale under IC 6-1.1-24-5; **and**

(2) the amount paid for the certificate of sale.

(l) If a tract or item of real property did not sell at a tax sale and the county treasurer and the owner of real property agree before the expiration of the period for redemption under subsection (b) to a mutually satisfactory arrangement for the payment of the entire amount required for redemption under section 2 of this chapter before the expiration of a period for redemption extended under this subsection:

(1) the county treasurer may extend the period for redemption; and

(2) except as provided in subsection (m), the extended period for redemption expires one (1) year after the date of the agreement.

(m) If the owner of real property fails to meet the terms of an agreement entered into with the county treasurer under subsection (l), the county treasurer may terminate the agreement after providing thirty (30) days written notice to the owner. If the county treasurer gives notice under this subsection, the extended period for redemption established under subsection (l) expires thirty (30) days after the date of the notice.

SECTION 3. IC 6-1.1-36-17, AS AMENDED BY P.L.257-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section, "nonreverting fund" refers to a nonreverting fund established under subsection (c).

(b) Each county auditor that makes a determination that property was not eligible for a standard deduction under IC 6-1.1-12-37 ~~or a homestead credit under IC 6-1.1-20.9 (repealed)~~ in a particular year shall:

(1) notify the county treasurer of the determination; **and**

(2) do one (1) or more of the following:

(A) Make a notation on the tax duplicate that the property

is ineligible for the standard deduction and indicate the date the notation is made.

(B) Record a notice of an ineligible homestead lien under subsection (d)(2).

The county auditor shall issue a notice of taxes, interest, and penalties due to the owner **that improperly received the standard deduction** and include a statement that the payment is to be made payable to the county auditor. The notice must require full payment of the amount owed within thirty (30) days. **The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subdivision (2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection (d)(2) in the office of the county recorder. With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.**

(c) Each county auditor shall establish a nonreverting fund. Upon collection of the adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b), the county treasurer shall deposit that amount:

(1) in the nonreverting fund, if the county contains a consolidated city; or

(2) if the county does not contain a consolidated city:

(A) in the nonreverting fund, to the extent that the amount collected, after deducting the direct cost of any contract, including contract related expenses, under which the contractor is required to identify homestead deduction eligibility, does not cause the total amount deposited in the nonreverting fund under this subsection for the year during which the amount is collected to exceed one hundred thousand dollars ($100,000); or

(B) in the county general fund, to the extent that the amount collected exceeds the amount that may be deposited in the nonreverting fund under clause (A).

(d) Any part of the amount **due under subsection (b)** that is not collected by the due date ~~shall be~~ **is subject to collection under one (1) or more of the following:**

(1) After being placed on the tax duplicate for the affected property and collected in the same manner as other property taxes.

(2) Through a notice of an ineligible homestead lien recorded in the county recorder's office without charge.

The adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b) shall be deposited as specified in ~~this~~ subsection **(c)** only in the first year in which that amount is collected. **Upon the collection of the amount due under subsection (b) or the release of a lien recorded under subdivision (2), the county auditor shall submit the appropriate documentation to the county recorder, who shall amend the information recorded under subdivision (2) without charge to indicate that the lien has been released or the amount has been paid in full.**

~~(d)~~ **(e)** The amount to be deposited in the nonreverting fund or the county general fund under subsection (c) includes adjustments in the tax due as a result of the termination of deductions or credits available only for property that satisfies the eligibility for a standard deduction under IC 6-1.1-12-37, ~~or a homestead credit under IC 6-1.1-20.9 (repealed),~~ including the following:

(1) Supplemental deductions under IC 6-1.1-12-37.5.

(2) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-1.1-26, IC 6-3.5-6-13, IC 6-3.5-6-32, IC 6-3.5-7-13.1, or IC 6-3.5-7-26, or any other law.

(3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.

Any amount paid that exceeds the amount required to be deposited under subsection (c)(1) or (c)(2) shall be distributed as property taxes.

~~(e)~~ **(f)** Money deposited under subsection (c)(1) or (c)(2) shall be treated as miscellaneous revenue. Distributions shall be made from the nonreverting fund established under this section upon appropriation by the county fiscal body and shall be made only for the following purposes:

(1) Fees and other costs incurred by the county auditor to discover property that is eligible for a standard deduction under

IC 6-1.1-12-37. ~~or a homestead credit under IC 6-1.1-20.9 (repealed).~~

(2) Other expenses of the office of the county auditor.

(3) The cost of preparing, sending, and processing notices described in IC 6-1.1-22-8.1(b)(9).

The amount of deposits in a reverting fund, the balance of a nonreverting fund, and expenditures from a reverting fund may not be considered in establishing the budget of the office of the county auditor or in setting property tax levies that will be used in any part to fund the office of the county auditor.

SECTION 4. IC 32-17-4-2.5, AS ADDED BY P.L.41-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) Not later than forty-five (45) days after the court has acquired jurisdiction over all the parties who have an interest in the property that is the subject of the action, the court shall refer the matter to mediation in accordance with the Indiana rules of alternative dispute resolution.

(b) Except as provided in subsection (c), mediation of the case may not begin until an appraiser files an appraisal report with the court.

(c) If each party waives the appraisal of the property, the case may move to mediation without the filing of an appraisal report.

(d) In its order referring the matter for mediation, the court shall advise the parties:

(1) that the real or personal property will be sold if the parties are unable to reach an agreement not later than sixty (60) days after the order is issued; and

(2) that the parties may agree upon a method of the sale of the property, and if the parties do not agree upon a method of the sale of the property, the property may be sold at public auction or by the sheriff under subsection (g).

(e) Except if the parties agree to waive the appraisal of the property, not later than thirty (30) days after the court acquires jurisdiction under subsection (a), the court shall appoint a licensed real estate appraiser to appraise the property. The appraiser shall file the appraisal with the court.

(f) After receiving the appraisal, the court shall notify the parties of the appraised value of the property.

(g) If an agreed settlement is not reached in mediation or if the

parties agree upon a method of sale, the court shall not later than thirty (30) days after the date the mediator files a report with the court that the mediation was not successful, or the parties file their agreement establishing the method of sale:

(1) order the property to be sold using the method that all the parties agree upon; or

(2) order the parties to select an auctioneer to sell the property. If the parties fail to select an auctioneer not later than thirty (30) days after the court's order to select an auctioneer, the court shall order the sheriff to sell the property in the same manner that property is sold at execution under IC 34-55-6. **The manner of appraising property described in this section satisfies the appraisal requirement under IC 34-55-4 or any other statute. However, if the parties waive appraisal of the property:**

(A) the court shall order the sale to proceed without relief from valuation or appraisement under IC 34-55-4 or any other statute; and

(B) IC 34-55-4-1 does not apply to the sale.

(h) At the time the court orders the property to be sold, the court shall notify all lienholders and other persons with an interest in the lien or property, as identified in the title search or lien search required under IC 29-1-17-11 or section 2 of this chapter, of the sale. The property must be sold free and clear of all liens and special assessments except prescriptive easements, easements of record, and irrevocable licenses, with any sum secured by a lien or special assessment to be satisfied from the proceeds of the sale.

(i) The person who causes a title search to be conducted under section 2 of this chapter or a title or lien search to be conducted under IC 29-1-17-11 is entitled to reimbursement from the proceeds of the sale.

(j) Any person who has paid a tax or special assessment on the property is entitled to pro rata reimbursement from the proceeds of the sale.

(k) Any person may advertise a sale under this section at the person's own expense, but is not entitled to reimbursement for these expenses.

(l) After deduction of the amounts described in subsections (h), (i), and (j) and the reasonable expenses of the sale, the court shall divide

the proceeds of the sale among the remaining property owners in proportion to their ownership interest.

(m) If a party having an ownership interest in the property becomes the successful purchaser of the property either through agreed settlement or through auction, that person shall be given a full credit based on the percentage of the person's interest in the property before the purchase.

(n) As used in this subsection, "real estate professional" has the meaning set forth in IC 23-1.5-1-13.5. If the court has ordered that some or all of the property be sold at auction and, at any time before the property is sold at auction, all parties inform the court in writing that they:

(1) wish to sell some or all of the property through a real estate professional;

(2) have jointly selected a real estate professional; and

(3) have agreed upon a listing price for the property;

the court shall rescind its order that the property, or a part of the property, be sold at auction and permit the property to be sold through a real estate professional. If some or all of the property has not been sold at the expiration of the listing agreement with the real estate professional, upon petition by any party, the court shall order the property to be sold at auction in accordance with subsection (h).

SECTION 5. IC 32-21-4-1, AS AMENDED BY P.L.129-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following must be recorded in the recorder's office of the county where the land is situated:

(1) A conveyance or mortgage of land or of any interest in land.

(2) A lease for more than three (3) years.

(b) A conveyance, mortgage, or lease takes priority according to the time of its filing. The conveyance, mortgage, or lease is fraudulent and void as against any subsequent purchaser, lessee, or mortgagee in good faith and for a valuable consideration if the purchaser's, lessee's, or mortgagee's deed, mortgage, or lease is first recorded.

(c) ~~This subsection applies only to a mortgage. This subsection applies regardless of when a mortgage was recorded.~~ If:

(1) an instrument referred to in subsection (a) is recorded; and

(2) the instrument does not comply with the:

(A) requirements of:

(i) IC 32-21-2-3; or

(ii) IC 32-21-2-7; or

(B) technical requirements of IC 36-2-11-16(c);

the instrument is validly recorded and provides constructive notice of the contents of the instrument as of the date of filing.

SECTION 6. IC 32-21-7-1, AS AMENDED BY P.L.171-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) Except as provided in subsection (b),** in ~~any suit~~ **an action** to establish title to ~~land or~~ real ~~estate~~ **property,** possession of the ~~land or~~ real ~~estate~~ **property** is not adverse to the owner in a manner as to establish title ~~or rights in and~~ to the ~~land or~~ real ~~estate~~ **property** unless the adverse possessor ~~or claimant~~ pays ~~and discharges~~ all taxes and special assessments that the adverse possessor ~~or claimant~~ reasonably believes in good faith to be due on the ~~land or~~ real ~~estate~~ **property** during the period the adverse possessor ~~or claimant~~ claims to have **adversely** possessed the ~~land or~~ real ~~estate~~ **property.** ~~adversely.~~ However, this section does not relieve any adverse possessor ~~or claimant~~ from proving all the elements of title by adverse possession required by law.

(b) A governmental entity may claim title to real property by adverse possession without having paid all taxes and special assessments due on the real property during the period of adverse possession if the governmental entity was exempt from the payment of property taxes and special assessments during the period of adverse possession.

SECTION 7. IC 32-25-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b) **or (d),** in a voluntary conveyance, the grantee of a condominium unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor for the grantor's share of the common expenses incurred before the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts of common expenses paid by the grantee.

(b) The grantee:

(1) is entitled to a statement from the **association,** manager, or board of directors setting forth the amount of the unpaid assessments against the grantor; and

(2) is not liable for, nor shall the condominium unit conveyed be

subject to a lien for, any unpaid assessments against the grantor in excess of the amount set forth in the statement.

(c) The grantee may obtain the statement of unpaid assessments described in subsection (b) by making a written request to the association, manager, or board of directors at:

(1) the last address at which the grantor made a payment of the assessments; or

(2) the address for the association, manager, or board of directors as listed in the records of the secretary of state.

(d) If the association, manager, or board of directors does not provide, by first class or certified mail, a statement of unpaid assessments not later than ten (10) business days after receipt of the written request, the:

(1) grantee is not liable for; and

(2) condominium unit conveyed is not subject to a lien for;

any unpaid assessments against the grantor.

SECTION 8. IC 34-55-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Upon prior petition of the debtor, ~~or~~ any creditor involved in the execution proceedings, **or, in the case of a partition action, any party having an interest in the property,** the court in its order of execution shall order the property sold by the sheriff through the services of an auctioneer if the court determines that:

(1) a sale is economically feasible; or

(2) all the creditors in the proceedings agree to both that method of sale and the compensation to be paid the auctioneer.

SECTION 9. IC 34-55-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The auctioneer's fee shall be a reasonable amount stated in the court's order.

(b) This subsection does not apply to a partition action. ~~However,~~ If the sale by use of an auctioneer has not been agreed to by the creditors in the proceedings and the sale price is less than the ~~amount set out in section 3 of this chapter,~~ **sale price described in IC 34-6-2-35,** the auctioneer is entitled only to the auctioneer's advertising expenses plus one hundred dollars ($100).

~~(b)~~ **(c)** The amount due the auctioneer for the auctioneer's expenses and fee, if any, shall be paid as a cost of the sale from the sale proceeds before the payment of any other payment from the sale proceeds.

P.L.95-2014
[S.260. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-1-4-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. (a) This section does not apply to units located in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year.**

(b) As used in this section, "active military base" means an active military installation that is used for the deployment, redeployment, mobilization, concentration, movement, exercise, or training of active or reserve components of the armed forces of the United States or of active or reserve components of the Indiana National Guard or Indiana Air National Guard. The term also includes a military installation that is used for the design, construction, maintenance, and testing of electronic devices and ordnance.

(c) Upon appropriation by the fiscal body of a unit, the unit may expend money:

(1) in direct support of:

(A) an active military base located within the unit; or

(B) an entity located within:

(i) the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed; or

(ii) any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(2) in support of any other entity that provides services or direct support to an active military base or entity described in subdivision (1).

SECTION 2. IC 36-7-14-12.2, AS AMENDED BY SEA 118-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.2. (a) The redevelopment commission may do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property

and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(7) Repair and maintain structures acquired for redevelopment purposes.

(8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

(9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of that land.

(10) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commissioners.

(11) Institute or defend in the name of the unit any civil action.

(12) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

(13) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

(14) Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

(15) Prescribe the duties and regulate the compensation of employees of the department of redevelopment.

(16) Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.
(17) Discharge and appoint successors to employees of the department of redevelopment subject to subdivision (14).
(18) Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.
(19) Equip the offices of the department of redevelopment with the necessary furniture, furnishings, equipment, records, and supplies.
(20) Expend, on behalf of the special taxing district, all or any part of the money of the special taxing district.
(21) Contract for the construction of:

(A) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or

(B) any structure that enhances development or economic development.

(22) Contract for the construction, extension, or improvement of pedestrian skyways.
(23) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.
(24) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units in a multiple unit residential structure within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.
(25) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision (24); or

(B) construct, rehabilitate, or repair commercial property within the district.

(26) Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and

(C) at an affordable rate.

(27) This subdivision does not apply to a redevelopment commission in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the redevelopment commission, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

(i) an active military base located within the unit; or

(ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is located in any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the redevelopment commission must separately approve each grant, loan, or other expenditure for financial assistance under this

subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the redevelopment commission. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

(b) Conditions imposed by the commission under subsection (a)(26) remain in force throughout the period determined under subsection (a)(26)(A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(c) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(d) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes under IC 36-7-14.5. However, if a power pertains to issuing bonds or incurring an obligation, the exercise of the power must first be specifically approved by the fiscal or legislative body of the unit, whichever applies.

(e) A commission may not exercise the power of eminent domain.

SECTION 3. IC 36-7-14-39, AS AMENDED BY SEA 118-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally

determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the

definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1,

2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or

more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),

IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three

(3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are

authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described

in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

(1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;

(2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and

(3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment

plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 4. IC 36-7-15.1-7, AS AMENDED BY SEA 118-2014, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) In carrying out its duties and purposes under this chapter, the commission may do the following:

(1) Acquire by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the redevelopment district.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, invest in, or otherwise dispose of, through any combination of methods, property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the city and its inhabitants.

(3) Acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any

other department of the city, or to any other governmental agency, for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes, on any terms that may be agreed upon.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(7) Repair and maintain structures acquired or to be acquired for redevelopment purposes.

(8) Enter upon, survey, or examine any land, to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes, and determine the value of that land.

(9) Appear before any other department or agency of the city, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commission.

(10) Subject to section 13 of this chapter, exercise the power of eminent domain in the name of the city, within the redevelopment district, in the manner prescribed by this chapter.

(11) Establish a uniform fee schedule whenever appropriate for the performance of governmental assistance, or for providing materials and supplies to private persons in project or program related activities.

(12) Expend, on behalf of the redevelopment district, all or any

part of the money available for the purposes of this chapter.
(13) Contract for the construction, extension, or improvement of pedestrian skyways.
(14) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.
(15) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units in a multiple unit residential structure within the district. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.
(16) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision (15); or

(B) construct, rehabilitate, or repair commercial property within the district.

(17) Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the county's median income for families; and

(C) at an affordable rate.

Conditions imposed by the commission under this subdivision remain in force throughout the period determined under clause (A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.
(18) Provide programs in job training, job enrichment, and basic skill development for residents of an enterprise zone.
(19) Provide loans and grants for the purpose of stimulating business activity in an enterprise zone or providing employment for residents of an enterprise zone.
(20) Contract for the construction, extension, or improvement of:

(A) public ways, sidewalks, sewers, waterlines, parking facilities, park or recreational areas, or other local public improvements (as defined in IC 36-7-15.3-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the redevelopment district; or

(B) any structure that enhances development or economic development.

(21) This subdivision does not apply to a redevelopment commission in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the redevelopment commission, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

(i) an active military base located within the unit; or

(ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is located in any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the redevelopment commission must separately approve each grant, loan, or other expenditure for financial assistance under this

subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the redevelopment commission. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

(b) In addition to its powers under subsection (a), the commission may plan and undertake, alone or in cooperation with other agencies, projects for the redevelopment of, rehabilitating, preventing the spread of, or eliminating slums or areas needing redevelopment, both residential and nonresidential, which projects may include any of the following:

(1) The repair or rehabilitation of buildings or other improvements by the commission, owners, or tenants.

(2) The acquisition of real property.

(3) Either of the following with respect to environmental contamination on real property:

(A) Investigation.

(B) Remediation.

(4) The demolition and removal of buildings or improvements on buildings acquired by the commission where necessary for any of the following:

(A) To eliminate unhealthful, unsanitary, or unsafe conditions.

(B) To mitigate or eliminate environmental contamination.

(C) To lessen density.

(D) To reduce traffic hazards.

(E) To eliminate obsolete or other uses detrimental to public welfare.

(F) To otherwise remove or prevent the conditions described in IC 36-7-1-3.

(G) To provide land for needed public facilities.

(5) The preparation of sites and the construction of improvements (such as public ways and utility connections) to facilitate the sale or lease of property.

(6) The construction of buildings or facilities for residential, commercial, industrial, public, or other uses.

(7) The disposition in accordance with this chapter, for uses in accordance with the plans for the projects, of any property acquired in connection with the projects.

(c) The commission may use its powers under this chapter relative to real property and interests in real property obtained by voluntary sale or transfer, even though the real property and interests in real property are not located in a redevelopment or urban renewal project area established by the adoption and confirmation of a resolution under sections 8(c), 9, 10, and 11 of this chapter. In acquiring real property and interests in real property outside of a redevelopment or urban renewal project area, the commission shall comply with section 12(b) through 12(e) of this chapter. The commission shall hold, develop, use, and dispose of this real property and interests in real property substantially in accordance with section 15 of this chapter.

(d) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(e) All powers that may be exercised under this chapter by the commission may also be exercised by the commission in carrying out its duties and purposes under IC 36-7-15.3.

SECTION 5. IC 36-7-15.1-26, AS AMENDED BY SEA 118-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net

assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the

definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, an expiration date imposed by this subsection does not apply to an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after

the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the

industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the

legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with

respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in

making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 6. IC 36-7-30-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The military base reuse authority may do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal military base property or interest in real military base property or other real or personal property located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of real or personal military base property or other real and personal property to private enterprise or state or local government, on the terms and conditions that the reuse authority considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired from a military base to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for the purposes of this chapter.

(5) Repair and maintain structures acquired for the purposes of this chapter.

(6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired from a military base.

(7) Survey or examine any land to determine whether it should be acquired for the purpose of this chapter and to determine the value of the land.

(8) Appear before any other department or agency of the unit or any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for the purposes of this chapter; or

(B) any reuse area within the jurisdiction of the reuse authority.

(9) Institute or defend in the name of the unit any civil action.

(10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the reuse authority.

(11) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by section 16 of this chapter.

(12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, and other consultants that are necessary or desired by the authority in exercising its powers or carrying out its responsibilities under this chapter.

(13) Appoint clerks, guards, laborers, and other employees the reuse authority considers advisable. However, the appointments must be made in accordance with the merit system of the unit if the unit has a merit system.

(14) Prescribe the duties and regulate the compensation of employees of the military base reuse authority.

(15) Provide a pension and retirement system for employees of the military base reuse authority, or use the public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(16) Discharge and appoint successors to employees of the military base reuse authority subject to subdivision (13).

(17) Rent offices for use of the reuse authority or accept the use of offices furnished by the unit.

(18) Equip the offices of the reuse authority with the necessary

furniture, furnishings, equipment, records, and supplies.

(19) Expend on behalf of the special taxing district all or any part of the money of the special taxing district.

(20) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:

(A) Local public improvements or structures that are necessary for the reuse of military base property within the corporate boundaries of the unit.

(B) Any structure that enhances the development, economic development, or reuse of military base property.

(21) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(22) Provide financial assistance, in the manner that best serves the purposes of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the unit.

(23) Enter into contracts for providing police, fire protection, and utility services to the military base reuse area.

(24) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the reuse authority and the execution of the power of the reuse authority under this chapter.

(25) This subdivision does not apply to a reuse authority in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the reuse authority, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

(i) an active military base located within the unit; or

(ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is located in any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the reuse authority must separately approve each grant, loan, or other expenditure for financial assistance under this subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the reuse authority. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

~~(25)~~ **(26)** Take any action necessary to implement the purposes of the reuse authority.

(b) All powers that may be exercised under this chapter by the reuse authority may also be exercised by the reuse authority in carrying out its duties and purposes under IC 36-7-14.5 or IC 36-7-15.3.

SECTION 7. IC 36-7-30-25, AS AMENDED BY P.L.112-2012, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally

determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution are made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay expenses incurred by the reuse authority, any other department of the unit, or a department of another governmental entity for local public improvements or structures that are in the allocation area or directly serving or benefiting the allocation area, including expenses for the operation and maintenance of these local public improvements or structures if the reuse authority determines those operation and maintenance expenses are necessary or desirable to carry

out the purposes of this chapter.

(F) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

(G) Expend money and provide financial assistance as authorized in section 9(a)(25) of this chapter.

Except as provided in clause (E), the allocation fund may not be used for operating expenses of the reuse authority.

(4) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the unit that established the reuse authority, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the reuse authority has determined that there are no excess property tax proceeds that may be allocated to

the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess property tax proceeds determined by the reuse authority. The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 19 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit

shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment of real property in an area under IC 6-1.1-4-4 or reassessment under the county's reassessment plan under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the military base reuse district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to

the military base reuse district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the county's reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 8. IC 36-7-30.5-15, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. The development authority may do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal military base property or interest in real military base property or other real or personal property located within the corporate boundaries of a unit that contains all or part of the military base.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of real or personal military base property or other real and personal property to private enterprise or state or local government, on the terms and conditions that the development authority considers best for the state and the state's inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired from a military base to a department of a unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for the purposes of this chapter.

(5) Repair and maintain structures acquired for the purposes of this chapter.

(6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired from a military base.

(7) Survey or examine any land to determine whether it should be acquired for the purpose of this chapter and to determine the value of the land.

(8) Appear before any other department or agency of a unit or any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for the purposes of this chapter; or

(B) any development area within the jurisdiction of the development authority.

(9) Institute or defend in the name of the development authority any civil action.

(10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the development authority.

(11) Exercise the power of eminent domain within military base property in the manner prescribed by section 21 of this chapter.

(12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, and other consultants that are necessary or desired by the authority in exercising its powers or carrying out its responsibilities under this chapter.

(13) Appoint clerks, guards, laborers, and other employees the development authority considers advisable.

(14) Prescribe the duties and regulate the compensation of employees of the development authority.

(15) Provide a pension and retirement system for employees of the development authority.

(16) Discharge and appoint successors to employees of the development authority.

(17) Rent offices for use of the development authority or accept the use of offices furnished by a unit.

(18) Equip the offices of the development authority with the necessary furniture, furnishings, equipment, records, and supplies.

(19) Expend on behalf of the counties represented on the development authority all or any part of the money of the development authority.

(20) Design, order, contract for, construct, reconstruct, improve, or renovate the following:

(A) Local public improvements or structures that are necessary for the development of military base property.

(B) Any structure that enhances the development, economic development, or reuse of military base property.

(21) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other

source.

(22) Provide financial assistance, in the manner that best serves the purposes of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the state.

(23) Enter into contracts for providing police, fire protection, and utility services to the military base development area.

(24) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the development authority and the execution of the power of the development authority under this chapter.

(25) Adopt a seal.

(26) This subdivision does not apply to a development authority located in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the development authority, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

(i) an active military base located within the unit; or

(ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is located in any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the development authority must separately approve each grant, loan, or other expenditure for financial assistance under this subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the development authority. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

~~(26)~~ **(27)** Take any action necessary to implement the purposes of the development authority.

SECTION 9. IC 36-7-30.5-30, AS AMENDED BY P.L.112-2012, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing

military base development or reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) For property taxes first due and payable before 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to

receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter (before its repeal) in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

(H) Expend money and provide financial assistance as authorized in section 15(26) of this chapter.

The allocation fund may not be used for operating expenses of the development authority.

(4) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivisions (2) and (3).

(B) Provide a written notice to the appropriate county auditors and the fiscal bodies and other officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of the excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the development authority has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditors shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the development authority. The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision before 2009 are eligible for the property tax replacement credit provided under IC 6-1.1-21 (before its repeal).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment of real property in an area under IC 6-1.1-4-4 or reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust

the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the military base development district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base development district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the county's reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

P.L.96-2014
[S.262. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-35.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 35.8. "Biological product", for purposes of IC 16-42-25, has the meaning set forth in IC 16-42-25-1.**

SECTION 2. IC 16-18-2-36.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 36.2. "Biosimilar", for purposes of IC 16-42-25, has the meaning set forth in IC 16-42-25-2.**

SECTION 3. IC 16-18-2-191.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 191.2. "Interchangeable", for purposes of IC 16-42-25, has the meaning set forth in IC 16-42-25-3.**

SECTION 4. IC 16-18-2-288 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 288. (a) "Practitioner", for purposes of IC 16-42-19, has the meaning set forth in IC 16-42-19-5.

(b) "Practitioner", for purposes of IC 16-41-14, has the meaning set forth in IC 16-41-14-4.

(c) "Practitioner", for purposes of IC 16-42-21, has the meaning set forth in IC 16-42-21-3.

(d) "Practitioner", for purposes of IC 16-42-22 **and IC 16-42-25,** has the meaning set forth in IC 16-42-22-4.5.

SECTION 5. IC 16-42-22-8, AS AMENDED BY P.L.204-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) For substitution to occur for a prescription other than a prescription filled under the Medicaid program (42 U.S.C. 1396 et seq.), the children's health insurance program established under IC 12-17.6-2, **the biosimilar biological products requirements under IC 16-42-25,** or the Medicare program (42 U.S.C. 1395 et seq.):

(1) the practitioner must:

(A) sign on the line under which the words "May substitute" appear; or

(B) for an electronically transmitted prescription, electronically transmit the instruction "May substitute."; and

(2) the pharmacist must inform the customer of the substitution.

(b) This section does not authorize any substitution other than substitution of a generically equivalent drug product.

SECTION 6. IC 16-42-25 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 25. Drugs: Biosimilar Biological Products

Sec. 1. As used in this chapter, "biological product" means:

(1) a virus;

(2) a therapeutic serum;

(3) a toxin;

(4) an antitoxin;

(5) a vaccine;

(6) blood;

(7) a blood component;

(8) a blood derivative;

(9) an allergenic product;

(10) a protein (except any chemically synthesized polypeptide);

(11) a product analogous to a product described in subdivisions (1) through (10);

(12) arsphenamine;

(13) an arsphenamine derivative; or

(14) any other trivalent organic arsenic compound;

applicable to the prevention, treatment, or cure of a disease or condition for human beings.

Sec. 2. As used in this chapter, "biosimilar" refers to a biological product that:

(1) has been licensed as a biosimilar product under 41 U.S.C. 262(k) or has been approved based on an application filed under 21 U.S.C. 355(b)(2); and

(2) is highly similar to the reference product, with:

(A) no clinically meaningful differences between the biological product and the reference product in terms of safety, purity, and potency of the product; and

(B) only minor differences in clinically inactive components.

Sec. 3. As used in this chapter, "interchangeable" means:

(1) a determination by the federal Food and Drug Administration that a biosimilar product may be substituted for a reference biological product without the intervention of the health care provider that prescribed the biological product; or

(2) concerning a biological product filed under 21 U.S.C. 355(b)(2), a product that is designated as therapeutically equivalent by the federal Food and Drug Administration in the Approved Drug Products with Therapeutic Equivalence Evaluations.

Sec. 4. A pharmacist may substitute for a prescribed biological product if the following conditions are met:

(1) The substitute has been determined by the federal Food and Drug Administration to be interchangeable with the prescribed biological product.

(2) The prescribing practitioner has:

(A) for a written prescription, signed on the line under which the words "May substitute." appear; or

(B) for an electronically transmitted prescription, electronically transmitted the instruction "May substitute.".

(3) The pharmacist has informed the customer of the substitution.

Sec. 5. (a) Except as provided in subsection (b), in order to ensure medical records are complete and accurate, a pharmacist shall, not later than ten (10) calendar days after dispensing a biologic product, record the name and manufacturer of the biologic product dispensed using:

(1) an interoperable electronic health records system shared with the prescribing practitioner, to the extent a system is in place between the pharmacist and the practitioner; or

(2) if an electronic health records system is not in place between the pharmacist and the prescribing practitioner, any prevailing means available to communicate to the prescribing practitioner the name and manufacturer of the biologic product dispensed.

(b) The pharmacist is not required to report to or communicate with the prescribing practitioner under subsection (a)(2) if:

(1) there is no federal Food and Drug Administration approved interchangeable biological product for the prescribed biological product; or

(2) the refill prescription is not changed from the product originally dispensed.

Sec. 6. (a) The pharmacy shall retain a record in accordance with IC 25-26-13-25(a) of the dispensed biological product.

(b) The prescribing practitioner shall retain a record in accordance with IC 16-39-7-1 of the dispensed biological product.

Sec. 7. (a) The Indiana board of pharmacy shall maintain a link on the board's Internet web site to the current list of all biological products determined by the United States Food and Drug Administration to be interchangeable with a specific reference

biological product.

(b) The Indiana board of pharmacy may adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 8. A written or electronic prescription for a biological product must comply with the requirements under IC 16-42-22-6.

P.L.97-2014
[S.266. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-4-4.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4.3. (a) This section applies to real property for which the gross assessed value of the real property was reduced by the property tax assessment board of appeals in an appeal conducted under IC 6-1.1-15. However, this section does not apply for an assessment date if the real property was valued using the income capitalization approach in the appeal.~~

~~(b) This section applies to assessment dates after 2013.~~

~~(c) If the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in subsection (a) is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct.~~

SECTION 2. IC 6-1.1-15-17.2, AS ADDED BY P.L.6-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. **(a) Except as provided in subsection (d),** this section applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal ~~increased the assessed value of the assessed property by more than~~ **is**

an increase of more than five percent (5%) over the ~~assessed value determined by the county assessor or township assessor (if any) for the immediately preceding assessment date~~ **assessment** for the same property **for the prior tax year. In calculating the change in the assessment for purposes of this section, the assessment to be used for the prior tax year is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:**

(1) as last corrected by an assessing official;

(2) as stipulated or settled by the taxpayer and the assessing official; or

(3) as determined by the reviewing authority.

(b) Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court. **If a county assessor or township assessor fails to meet the burden of proof under this section, the taxpayer may introduce evidence to prove the correct assessment. If neither the assessing official nor the taxpayer meets the burden of proof under this section, the assessment reverts to the assessment for the prior tax year, which is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:**

(1) as last corrected by an assessing official;

(2) as stipulated or settled by the taxpayer and the assessing official; or

(3) as determined by the reviewing authority.

(c) This section does not apply to an assessment if the assessment that is the subject of the review or appeal is based on:

(1) structural improvements;

(2) zoning; or

(3) uses;

that were not considered in the assessment for the prior tax year.

(d) This subsection applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15. However, this subsection does not apply for an assessment date if the real property was valued using the income capitalization approach in the appeal. If the gross assessed value of

real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct.

(e) This section, as amended in the 2014 regular session of the Indiana general assembly, applies:

(1) to all appeals or reviews pending on the effective date of the amendments made to this section in the 2014 regular session of the Indiana general assembly; and

(2) to all appeals or reviews filed thereafter.

SECTION 3. **An emergency is declared for this act.**

P.L.98-2014

[S.292. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-21-2-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.6. The state department may inspect an abortion clinic at least one (1) time per calendar year and may conduct a complaint inspection as needed.**

SECTION 2. IC 16-34-2-1.1, AS AMENDED BY P.L.232-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) An abortion shall not be performed except with the voluntary and informed consent of the pregnant woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the

following conditions are met:

(1) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a certified nurse midwife (as defined in IC 34-18-2-6.5) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has informed the pregnant woman orally and in writing of the following:

(A) The name of the physician performing the abortion, the physician's medical license number, and an emergency telephone number where the physician or the physician's designee may be contacted on a twenty-four (24) hour a day, seven (7) day a week basis.

(B) That follow-up care by the physician or the physician's designee (if the designee is licensed under IC 25-22.5) and is available on an appropriate and timely basis when clinically necessary.

(C) The nature of the proposed procedure or information concerning the abortion inducing drug.

(D) Objective scientific information of the risks of and alternatives to the procedure or the use of an abortion inducing drug, including:

(i) the risk of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy; and

(iii) the potential danger of infertility.

(E) That human physical life begins when a human ovum is fertilized by a human sperm.

(F) The probable gestational age of the fetus at the time the abortion is to be performed, including:

(i) a picture of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(G) That objective scientific information shows that a fetus can feel pain at or before twenty (20) weeks of postfertilization

age.

(H) The medical risks associated with carrying the fetus to term.

(I) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(J) That the pregnancy of a child less than fifteen (15) years of age may constitute child abuse under Indiana law if the act included an adult and must be reported to the department of child services or the local law enforcement agency under IC 31-33-5.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be informed orally and in writing of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(D) That there are physical risks to the pregnant woman in having an abortion, both during the abortion procedure and after.

(E) That Indiana has enacted the safe haven law under IC 31-34-2.5.

(F) The:

(i) Internet web site address of the state department of health's web site; and

(ii) description of the information that will be provided on the web site and that are;

described in section 1.5 of this chapter.

(G) For the facility in which the abortion is to be performed, an emergency telephone number that is available and answered on a twenty-four (24) hour a day, seven (7) day a week basis.

(3) The pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that:

(A) the information required by subdivisions (1) and (2) has been provided to the pregnant woman;

(B) the pregnant woman has been offered by the provider the opportunity to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible and that the woman has:

(i) viewed or refused to view the offered fetal ultrasound imaging; and

(ii) listened to or refused to listen to the offered auscultation of the fetal heart tone if the fetal heart tone is audible; and

(C) the pregnant woman has been given a written copy of the printed materials described in section 1.5 of this chapter.

(4) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined in IC 34-18-2-19) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has provided the pregnant woman with a color copy of the informed consent brochure described in section 1.5 of this chapter by printing the informed consent brochure from the state department's Internet web site and including the following information on the back cover of the brochure:

(A) The name of the physician performing the abortion and the physician's medical license number.

(B) An emergency telephone number where the physician or the physician's designee may be contacted twenty-four (24) hours a day, seven (7) days a week.

(C) A statement that follow-up care by the physician or the physician's designee who is licensed under IC 25-22.5 is available on an appropriate and timely basis when clinically necessary.

(b) Before an abortion is performed, the provider shall perform, and the pregnant woman shall view, the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible

unless the pregnant woman certifies in writing, on a form developed by the state department, before the abortion is performed, that the pregnant woman:

(1) does not want to view the fetal ultrasound imaging; and

(2) does not want to listen to the auscultation of the fetal heart tone if the fetal heart tone is audible.

SECTION 3. IC 16-34-2-4.5, AS ADDED BY P.L.193-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) A physician may not perform an abortion unless the physician:

(1) has admitting privileges **in writing** at a hospital located in the county where abortions are provided or **in** a contiguous county; or

(2) has entered into ~~an~~ **a written** agreement with a physician who has **written** admitting privileges at a hospital in the county or contiguous county concerning the management of possible complications of the services provided.

(b) A physician who performs an abortion shall notify the patient of the location of the hospital at which the physician or a physician with whom the physician has entered into an agreement under subsection (a)(2) has admitting privileges and where the patient may receive follow-up care by the physician if complications arise.

(c) An abortion clinic shall:

(1) keep at the abortion clinic a copy of the admitting privileges of a physician described in subsection (a)(1) and (a)(2); and

(2) submit a copy of the admitting privileges described in subdivision (1) to the state department as part of the abortion clinic's licensure. The state department shall verify the validity of the admitting privileges document. The state department shall remove any identifying information from the admitting privileges document before releasing the document under IC 5-14-3.

(d) The state department shall confirm to a member of the public, upon request, that the admitting privileges required to be submitted under this section for an abortion clinic have been received by the state department.

(e) Notwithstanding IC 5-14-3-6 and IC 5-14-3-6.5, this section

only allows for the redaction of information that is described in subsection (c). This section does not allow the state department to limit the disclosure of information in other public documents.

P.L.99-2014
[S.294. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 22-3-3-4.5, AS ADDED BY P.L.275-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) As used in this section, "legend drug" has the meaning set forth in IC 25-26-14-7.

(b) As used in this section, "repackage" has the meaning set forth in IC 25-26-14-9.3.

(c) This subsection does not apply to a retail or mail order pharmacy. Except as provided in subsection (d), whenever a prescription covered by IC 22-3-2 through IC 22-3-6 is filled using a repackaged legend drug:

(1) the maximum reimbursement amount for the repackaged legend drug must be computed using the average wholesale price set by the original manufacturer for the legend drug;

(2) the medical service provider may not be reimbursed for more than one (1) office visit for each repackaged legend drug prescribed; and

(3) the maximum period during which a medical service provider may receive reimbursement for a repackaged legend drug begins on the date of the injury and ends at the beginning of the eighth day after the date of the injury.

(d) If the National Drug Code (established under Section 510 of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360) for a legend

drug cannot be determined from the medical service provider's billing or statement, the maximum reimbursement amount for the repackaged legend drug under subsection (c) is the lowest cost generic for that legend drug.

SECTION 2. IC 22-3-3-5.2, AS AMENDED BY P.L.275-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation provided before July 1, 2014, by all medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility:

(1) The formation of a billing review standard, and any subsequent analysis or revision of the standard, must use data that is based on the medical service provider billing charges as submitted to the employer and the employer's insurance carrier from the same community. This subdivision does not apply when a unique or specialized service or product does not have sufficient comparative data to allow for a reasonable comparison.

(2) Data used to determine pecuniary liability must be compiled on or before June 30 and December 31 of each year.

(3) Billing review standards must be revised for prospective future payments of medical service provider bills to provide for payment of the charges at a rate not more than the charges made by eighty percent (80%) of the medical service providers during the prior six (6) months within the same community. The data used to perform the analysis and revision of the billing review standards may not be more than two (2) years old and must be periodically updated by a representative inflationary or deflationary factor. Reimbursement for these charges may not exceed the actual charge invoiced by the medical service provider.

(b) This subsection applies after June 30, 2014, to a medical service facility. The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation and provided by a medical service facility is equal to a reasonable amount, which is established by payment of one (1) of the following:

(1) The amount negotiated at any time between the medical service facility and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1).

~~(c) The payment to a medical service provider for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus twenty-five percent (25%).~~

~~(d)~~ **(c)** A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of the notice of the reduction. If a request is made, the billing review service must provide:

(1) the name of the billing review service used to make the reduction;

(2) the dollar amount of the reduction;

(3) the dollar amount of the service or product at the eightieth percentile; and

(4) in the case of a CPT or Medicare coding change, the basis upon which the change was made;

not later than thirty (30) days after the date of the request.

~~(e)~~ **(d)** If, after a hearing, the worker's compensation board finds that a billing review service used a billing review standard that did not comply with subsection (a)(1) through (a)(3), as applicable, in determining the pecuniary liability of an employer or an employer's insurance carrier for a medical service provider's charge for services or products covered under worker's compensation, the worker's compensation board may assess a civil penalty against the billing

review service in an amount not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000).

SECTION 3. IC 22-3-6-1, AS AMENDED BY P.L.275-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation,

is an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is ~~the sole officer of the corporation is~~ an employee of the corporation under IC 22-3-2 through IC 22-3-6 ~~but~~ may elect not to be an employee of the corporation under IC 22-3-2 through IC 22-3-6. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation ~~who is the sole officer of the corporation~~ may not be considered to be excluded as an employee under IC 22-3-2 through IC 22-3-6 until the notice is received by the insurance carrier and the board.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums

as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(12) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of IC 22-3-2 through IC 22-3-6 while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-33-3-35, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the

compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-37-2-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) The rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained.

Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-37-2-7, the following formula shall be used. Calculate the product of:

(A) the student employee's hourly wage rate; multiplied by

(B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first

three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides services or products to an employee under IC 22-3-2 through IC 22-3-6. Except as otherwise provided in IC 22-3-2 through IC 22-3-6, the term includes a medical service facility.

(j) "Medical service facility" means any of the following that provides a service or product under IC 22-3-2 through IC 22-3-6 **and uses the CMS 1450 (UB-04) form for Medicare reimbursement:**

(1) A hospital (as defined in IC 16-18-2-179).

(2) A hospital based health facility (as defined in IC 16-18-2-180).

(3) A medical center (as defined in IC 16-18-2-223.4).

The term does not include a professional corporation (as defined in IC 23-1.5-1-10) comprised of health care professionals (as defined in IC 23-1.5-1-8) formed to render professional services as set forth in IC 23-1.5-2-3(a)(4) or a health care professional (as defined in IC 23-1.5-1-8) who bills for a service or product provided under IC 22-3-2 through IC 22-3-6 as an individual or a member of a group practice **or another medical service provider that uses the CMS 1500 form for Medicare reimbursement.**

(k) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6, as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service

provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) This subdivision applies after June 30, 2014, to a medical service facility. Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).

(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).

(l) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under IC 22-3-2 through IC 22-3-6.

SECTION 4. IC 22-3-7-9, AS AMENDED BY P.L.275-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that provides on-the-job training under the federal School to

Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) As used in this chapter, "employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. For purposes of this chapter the following apply:

(1) Any reference to an employee who has suffered disablement, when the employee is dead, also includes the employee's legal representative, dependents, and other persons to whom compensation may be payable.

(2) An owner of a sole proprietorship may elect to include the owner as an employee under this chapter if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under this chapter unless the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under section 34.5 of this chapter.

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged

in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under section 34.5 of this chapter; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under section 34.5 of this chapter.

(4) Real estate professionals are not employees under this chapter if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) An unpaid participant under the federal School to Work

Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth under section 2.5 of this chapter.

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(9) An officer of a corporation who is ~~the sole officer of the corporation is~~ an employee of the corporation under this chapter ~~An officer of a corporation who is the sole officer of the corporation~~ may elect not to be an employee of the corporation under this chapter. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation ~~who is the sole officer of the corporation~~ may not be considered to be excluded as an employee under this chapter until the notice is received by the insurance carrier and the board.

(10) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of this chapter while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last exposure, is employed, required, suffered, or permitted to work in violation of the child labor laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this

subsection prescribing double the amount otherwise recoverable do not apply. The rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, the minor's parents, the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of any disease.

(d) This chapter does not apply to casual laborers as defined in subsection (b), nor to farm or agricultural employees, nor to household employees, nor to railroad employees engaged in train service as engineers, firemen, conductors, brakemen, flagmen, baggagemen, or foremen in charge of yard engines and helpers assigned thereto, nor to their employers with respect to these employees. Also, this chapter does not apply to employees or their employers with respect to employments in which the laws of the United States provide for compensation or liability for injury to the health, disability, or death by reason of diseases suffered by these employees.

(e) As used in this chapter, "disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom the employee claims compensation or equal wages in other suitable employment, and "disability" means the state of being so incapacitated.

(f) For the purposes of this chapter, no compensation shall be payable for or on account of any occupational diseases unless disablement, as defined in subsection (e), occurs within two (2) years after the last day of the last exposure to the hazards of the disease except for the following:

(1) In all cases of occupational diseases caused by the inhalation of silica dust or coal dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease.

(2) In all cases of occupational disease caused by the exposure to radiation, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within two (2) years from the date on which the employee had knowledge of the nature of the employee's occupational disease or, by exercise of reasonable diligence, should have known of the existence of such disease and

its causal relationship to the employee's employment.

(3) In all cases of occupational diseases caused by the inhalation of asbestos dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease if the last day of the last exposure was before July 1, 1985.

(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

(1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or

(2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

(k) As used in this chapter, "medical service provider" refers to a person or an entity that provides services or products to an employee under this chapter. Except as otherwise provided in this chapter, the term includes a medical service facility.

(l) As used in this chapter, "medical service facility" means any of the following that provides a service or product under this chapter **and uses the CMS 1450 (UB-04) form for Medicare reimbursement:**

(1) A hospital (as defined in IC 16-18-2-179).

(2) A hospital based health facility (as defined in IC 16-18-2-180).

(3) A medical center (as defined in IC 16-18-2-223.4).

The term does not include a professional corporation (as defined in IC 23-1.5-1-10) comprised of health care professionals (as defined in IC 23-1.5-1-8) formed to render professional services as set forth in IC 23-1.5-2-3(a)(4) or a health care professional (as defined in IC 23-1.5-1-8) who bills for a service or product provided under this chapter as an individual or a member of a group practice **or another medical service provider that uses the CMS 1500 form for Medicare reimbursement.**

(m) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) This subdivision applies after June 30, 2014, to a medical service facility. Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).

(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).

(n) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under this chapter.

SECTION 5. IC 22-3-7-17.2, AS AMENDED BY SEA 24-2014, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter provided before July 1, 2014, by all medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility:

(1) The formation of a billing review standard, and any subsequent analysis or revision of the standard, must use data that is based on the medical service provider billing charges as submitted to the employer and the employer's insurance carrier from the same community. This subdivision does not apply when a unique or specialized service or product does not have sufficient comparative data to allow for a reasonable comparison.

(2) Data used to determine pecuniary liability must be compiled on or before June 30 and December 31 of each year.

(3) Billing review standards must be revised for prospective future payments of medical service provider bills to provide for payment of the charges at a rate not more than the charges made by eighty percent (80%) of the medical service providers during the prior six (6) months within the same community. The data used to perform the analysis and revision of the billing review standards may not be more than two (2) years old and must be periodically updated by a representative inflationary or deflationary factor. Reimbursement for these charges may not exceed the actual charge invoiced by the medical service provider.

(b) This subsection applies after June 30, 2014, to a medical service facility. The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under ~~worker's compensation~~ **this chapter** and provided by a medical service facility is equal to a reasonable amount, which is established by payment of one (1) of the following:

(1) The amount negotiated at any time between the medical service facility and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as

described in subdivision (1).

~~(c) The payment to a medical service provider for an implant furnished to an employee under this chapter may not exceed the invoice amount plus twenty-five percent (25%).~~

~~(d)~~ **(c)** A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of the notice of the reduction. If a request is made, the billing review service must provide:

(1) the name of the billing review service used to make the reduction;

(2) the dollar amount of the reduction;

(3) the dollar amount of the medical service at the eightieth percentile; and

(4) in the case of a CPT or Medicare coding change, the basis upon which the change was made;

not later than thirty (30) days after the date of the request.

~~(e)~~ **(d)** If, after a hearing, the worker's compensation board finds that a billing review service used a billing review standard that did not comply with subsection (a)(1) through (a)(3), as applicable, in determining the pecuniary liability of an employer or an employer's insurance carrier for a medical service provider's charge for services or products covered under occupational disease compensation, the worker's compensation board may assess a civil penalty against the billing review service in an amount not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000).

SECTION 6. IC 22-3-7-17.4, AS ADDED BY P.L.275-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17.4. (a) As used in this section, "legend drug" has the meaning set forth in IC 25-26-14-7.

(b) As used in this section, "repackage" has the meaning set forth in IC 25-26-14-9.3.

(c) This subsection does not apply to a retail or mail order pharmacy. Except as provided in subsection (d), whenever a prescription covered by this chapter is filled using a repackaged legend drug:

(1) the maximum reimbursement amount for the repackaged legend drug must be computed using the average wholesale price set by the original manufacturer for the legend drug;

(2) the medical service provider may not be reimbursed for more than one (1) office visit for each repackaged legend drug prescribed; and

(3) the maximum period during which a medical service provider may receive reimbursement for a repackaged legend drug begins on the date of the disablement and ends at the beginning of the eighth day after the date of the disablement.

(d) If the National Drug Code (established under Section 510 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360) for a legend drug cannot be determined from the medical service provider's billing or statement, the maximum reimbursement amount for the repackaged legend drug under subsection (c) is the lowest cost generic for that legend drug.

P.L.100-2014
[S.308. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-31.3-9, AS AMENDED BY P.L.119-2012, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A tax area must be initially established by resolution:

(1) ~~except as provided in subdivision (2), before July 1, 1999; or (2)~~ before January 1, 2013, in the case of:

(A) a second class city;

(B) the city of Marion; or

(C) the city of Westfield; **or**

(2) before July 1, 1999, if subdivision (1) does not apply;
according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. ~~Before May 15, 2005, a tax area established before January 1, 2005, may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area. After May 14, 2005, a tax area established before January 1, 2005, may not be changed and the terms governing a tax area may not be revised.~~ Only one (1) tax area may be created in each county.

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

(1) Except for a tax area in a city having a population of:

(A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or

(B) more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400);

there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used by a professional sports franchise for practice or competitive sporting events. A tax area to which this subdivision applies may also include a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(2) For a tax area in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a) of this chapter.

(3) For a tax area in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(4) The capital improvement that will be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(5) The capital improvement that will be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

SECTION 2. IC 36-7-31.3-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.7. (a) Except as otherwise provided in this chapter, after a tax area is initially established, a tax area may not be changed and the terms governing the tax area may not be revised.**

(b) Before May 15, 2005, a tax area established before January 1, 2005, may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area.

(c) This subsection applies only to a tax area located in Allen County. After April 30, 2014, and before January 1, 2015, a tax area located in Allen County may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area.

SECTION 3. IC 36-7-31.3-10, AS AMENDED BY P.L.137-2012, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports and convention development area fund established for the city or county. The allocation provision must apply to the entire tax area. The following apply to Allen County:

(1) The fund required by this subsection is the coliseum professional sports and convention development area fund. This fund shall be administered by the Allen County Memorial Coliseum board of trustees.

(2) The allocation each year must be as follows:

(A) The first two million six hundred thousand dollars ($2,600,000) shall be transferred to the county treasurer for

deposit in the coliseum professional sports and convention development area fund.

(B) The remaining amount shall be transferred to the treasurer of the joint county-city capital improvement board in the county.

The resolution must provide the tax area terminates not later than December 31, 2027. **However, in the case of a tax area located in Allen County, the resolution must provide that the tax area terminates before the later of January 1, 2028, or if the designating body takes final action on the financing for the facility or proposed facility before January 1, 2015, a date agreed to jointly by the budget agency and the designating body that established the tax area. However, the date agreed to jointly may not be later than twenty-five (25) years after the debt to finance the facility or proposed facility is issued. The budget agency must approve the final financing for the facility or proposed facility. Any bonds issued to finance the facility or proposed facility must have a maturity of less than twenty-five (25) years.**

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) For a tax area that is:

(1) not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) not located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000);

the total amount of state revenue captured by the tax area may not exceed five dollars ($5) per resident of the city or county per year for twenty (20) consecutive years.

(d) For a tax area that is located in a city having a population of

more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), the total amount of state revenue captured by the tax area may not exceed six dollars and fifty cents ($6.50) per resident of the city per year for twenty (20) consecutive years.

(e) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 4. IC 36-7-31.3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. This chapter expires December 31, ~~2027.~~ **2040.**

SECTION 5. **An emergency is declared for this act.**

P.L.101-2014
[S.331. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 21-41-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 12. Second Service for Veterans

Sec. 1. As used in this chapter, "program" refers to the second service for veterans program established by section 3 of this chapter.

Sec. 2. As used in this chapter, "veteran student" refers to a student of a state educational institution who has been or is currently serving as a member of the:

(1) armed forces; or

(2) national guard.

Sec. 3. The second service for veterans program is established for the purpose of attracting veteran students to the teaching profession.

Sec. 4. Each school of education, or its equivalent, within a state educational institution shall establish a program for veteran students to encourage veteran students to pursue a career in the teaching profession.

Sec. 5. Each state educational institution shall, at a minimum, do the following:

(1) Provide academic and career counseling specifically designed for veteran students in the school of education or the school of education equivalent.

(2) Offer in-state tuition to:

(A) Indiana resident veteran students; and

(B) out-of-state veteran students in accordance with IC 21-14-12.2;

who apply for and are accepted into the program.

(3) Develop a proactive initiative to attract and recruit veteran students to the school of education or the school of education equivalent.

(4) Coordinate the second service for veterans program with the combat to college program.

Sec. 6. The commission for higher education may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 21-42-7-2, AS ADDED BY P.L.57-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** Each state educational institution shall adopt a policy to award educational credit to an individual who:

(1) is enrolled in a state educational institution; and

(2) successfully:

(A) completes courses that:

~~(A)~~ **(i)** are part of the individual's military service;

~~(B)~~ **(ii)** meet the standards of the American Council on Education, or the council's successor organization, for awarding academic credit; and

~~(C)~~ **(iii)** meet the state educational institution's role, scope, and mission;

(B) completes:

(i) a College-Level Examination Program (CLEP) exam developed by the College Board and receives a score of fifty (50) or higher;

(ii) a United States Department of Defense's Defense Activity for Non-Traditional Education Support Program examination; or

(iii) an Excelsior College Examination;

that meets the state educational institution's role, scope, and mission during the individual's military service in an active or reserve component of the armed forces of the United States or the Indiana National Guard or upon the individual's receiving an honorable discharge from the armed forces of the United States or the Indiana National Guard; or

(C) completes courses at a postsecondary educational institution accredited by a regional accrediting agency or association:

(i) during the individual's military service in an active or reserve component of the armed forces of the United States or the Indiana National Guard or upon the individual's receiving an honorable discharge from the armed forces of the United States or the Indiana National Guard; and

(ii) that meet the state educational institution's role, scope, and mission.

(b) The state educational institution's policy described in subsection (a) must provide that educational credit awarded to an individual under this section applies to the individual's undergraduate degree requirements if the credit is comparable and applicable, as reasonably determined by the state educational institution, to credit offered by the state educational institution and is necessary for the individual to meet the individual's undergraduate degree requirements at the state educational institution.

(c) Each state educational institution's policy described in subsection (a):

(1) shall be reviewed by the commission for higher education and subsequently published on the commission for higher education's Internet web site; and

(2) shall be published on the state educational institution's Internet web site.

(d) The amount of educational credits that may be applied to an individual's degree requirements under subsection (b) may not exceed:

(1) seventy-five percent (75%) of an individual's degree requirements, as determined by the state educational institution, if the state educational institution in which the individual is enrolled requires the individual to attend in person any course during any part of the student's enrollment at the state educational institution; or

(2) seventy percent (70%) of an individual's degree requirements, as determined by the state educational institution, if one hundred percent (100%) of the degree requirements for the degree program is available online by the state educational institution.

P.L.102-2014
[S.332. Approved March 25, 2014.]

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

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

SECTION 1. IC 5-13-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (b), in addition to any other statutory power to make investments, each county treasurer and each fiscal officer of any political subdivision other than a county, under the guidelines established, respectively, by the board of county commissioners of each county and the fiscal body of any other subdivision, and any other officer of a local government entity authorized by statute or court order

to make investments, may invest any funds held by each in accordance with this chapter.

(b) The treasurer of state may invest funds under ~~section~~ **sections 2(a)(3) and** 2.5 of this chapter.

(c) The funds that may be invested under this chapter include money raised by bonds issued for a future specific purpose, sinking funds, depreciation reserve funds, gift, bequest or endowment, and any other funds available for investment.

SECTION 2. IC 5-13-9-2, AS AMENDED BY P.L.119-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Each officer designated in section 1 of this chapter may invest or reinvest any funds that are held by the officer and available for investment in any of the following:

(1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:

(A) The United States Treasury.

(B) A federal agency.

(C) A federal instrumentality.

(D) A federal government sponsored enterprise.

(2) Securities fully guaranteed and issued by any of the following:

(A) A federal agency.

(B) A federal instrumentality.

(C) A federal government sponsored enterprise.

(3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase. **A security purchased by the treasurer of state under this subdivision must have a stated final maturity of not more than five (5) years after the date of purchase.**

(b) If an investment under subsection ~~(a)(1)~~ **(a)** is made at a cost in excess of the par value of the securities purchased, any premium paid for the securities shall be deducted from the first interest received and returned to the fund from which the investment was purchased, and only the net amount is considered interest income.

(c) The officer making the investment may sell any securities

acquired and may do anything necessary to protect the interests of the funds invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial investment.

(d) The investing officers of the political subdivisions are the legal custodians of securities under this chapter. They shall accept safekeeping receipts or other reporting for securities from:

(1) a duly designated depository as prescribed in this article; or

(2) a financial institution located either in or out of Indiana having custody of securities with a combined capital and surplus of at least ten million dollars ($10,000,000) according to the last statement of condition filed by the financial institution with its governmental supervisory body.

(e) The state board of accounts may rely on safekeeping receipts or other reporting from any depository or financial institution.

(f) In addition to any other investments allowed under this chapter, an officer of a conservancy district located in a city having a population of more than five thousand (5,000) but less than five thousand one hundred (5,100) may also invest in:

(1) municipal securities; and

(2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the officer of a conservancy district. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the officer of a conservancy district causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

(g) In addition to any other investments allowed under this chapter, a clerk-treasurer of a town with a population of more than five thousand (5,000) but less than ten thousand (10,000) located in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000) may also invest money in a host community agreement future fund established by ordinance of the town in:

(1) municipal securities; and

(2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the clerk-treasurer of a town. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the clerk-treasurer of a town causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

SECTION 3. IC 5-13-10.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A public officer of the state may invest or reinvest funds that are held by the public officer and available for investment in **United States dollar denominated** obligations issued, assumed, or guaranteed as to the payment of principal and interest by:

~~(1) the International Bank for Reconstruction and Redevelopment;~~

~~(2) the African Development Bank;~~

(1) supranational issuers having the highest investment credit rating by at least two (2) nationally recognized credit rating agencies; or

~~(3)~~ **(2)** the State of Israel.

SECTION 4. IC 5-13-10.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The treasurer of state may lend any securities acquired under section 7 or 11 of this chapter. However, securities may be lent under this section only if the agreement under which the securities are lent is collateralized by:

(1) cash; or

(2) ~~interest bearing obligations that are issued by, fully insured by, or guaranteed by the United States, an agency of the United States government, a federal instrumentality, or a federal government sponsored enterprise;~~ **non-cash collateral if the state is indemnified by the custodian holding the non-cash collateral;**

in excess of the total market value of the loaned securities.

SECTION 5. IC 5-13-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The contract must:

(1) be in writing;

(2) provide for the investment of funds by the depository with the approval of the investing officer;

(3) provide that the depository keep those records concerning the investment cash management system that the political subdivision would maintain for audits by the state board of accounts;

(4) provide that investments will be made in accordance with this article;

(5) provide that the depository may invest funds in the same investments and for the same terms as the treasurer of state may invest funds of the state under this article;

~~(5)~~ **(6)** not have a term of more than two (2) years; and

~~(6)~~ **(7)** be awarded under the bidding provisions of IC 5-22.

(b) If no designated depository whose principal office or branch is located within the political subdivision will provide an investment cash management service permitted in this chapter, then the contract for an investment cash management service must be awarded as provided in IC 5-13-8-9(c). If the investment cash management service contract is awarded to a financial institution whose principal office or branch is located outside the political subdivision, then the recipient of the contract does not constitute a designated depository of the political subdivision for purposes of investment under IC 5-13-9-3 unless it meets the limitations of IC 5-13-9-4 or IC 5-13-9-5, but does constitute a depository under this article for all other purposes.

P.L.103-2014
[S.334. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-4.4-1-202, AS AMENDED BY HEA 1245-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 202. (a) As used in this section, "balloon payment", with respect to a mortgage transaction, means any payment:

(1) that the creditor requires the debtor to make at any time during the term of the mortgage;

(2) that represents the entire amount of the outstanding balance with respect to the mortgage; and

(3) the entire amount of which is due as of a specified date or at the end of a specified period;

if the aggregate amount of the minimum periodic payments required under the mortgage would not fully amortize the outstanding balance by the specified date or at the end of the specified period. The term does not include a payment required by a creditor under a due-on-sale clause (as defined in 12 U.S.C. 1701j-3(a)) or a payment required by a creditor under a provision in the mortgage that permits the creditor to accelerate the debt upon the debtor's default or failure to abide by the material terms of the mortgage.

(b) This article does not apply to the following:

(1) Extensions of credit to government or governmental agencies or instrumentalities.

(2) A first lien mortgage transaction in which the debt is incurred primarily for a purpose other than a personal, family, or household purpose.

(3) An extension of credit primarily for a business, a commercial, or an agricultural purpose.

(4) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage transaction made:

(a) in compliance with the requirements of; and

(b) by a community development corporation (as defined in IC 4-4-28-2) acting as a subrecipient of funds from;

the Indiana housing and community development authority established by IC 5-20-1-3.

(5) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage transaction made by an entity that exclusively uses funds provided by the United States Department of Housing and Urban Development under Title 1 of the federal Housing and Community Development Act of 1974, Public Law 93-383, as amended (42 U.S.C. 5301 et seq.).

(6) An extension of credit originated by **the following:**

(a) A depository institution. **However, a federal savings bank may voluntarily register with the department for the purpose of sponsoring, under an exclusive written agreement, individuals who are licensed as mortgage loan originators under this article and 750 IAC 9-3, who perform mortgage loan origination activities as independent agents under the federal savings bank's direct supervision and control, who hold a current, valid insurance producer license under IC 27-1-15.6, and who sell, solicit, or negotiate insurance under an exclusive written agreement for a licensed insurance company that is a subsidiary of a company that also owns or controls the federal savings bank, if the federal savings bank does the following:**

(i) Assumes responsibility for and reasonably supervises the activities of all licensed mortgage loan originators sponsored by the federal savings bank under this clause.

(ii) Registers with and maintains a valid unique identifier issued by the NMLSR as required by IC 24-4.4-2-401(2), maintains a surety bond in accordance with IC 24-4.4-2-402.3, submits to the NMLSR reports of condition in accordance with IC 24-4.4-2-405(4) (subject

to IC 24-4.4-2-402.4), and files financial statements with the department in accordance with IC 24-4.4-2-405(5).

(iii) Cooperates with the department, and provides access to records and documents, as required by the department in carrying out examinations of the activities of the licensed mortgage loan originators sponsored by the federal savings bank under this clause, as described in IC 24-4.4-2-405(1).

(iv) Agrees to comply with all law, rules, directives, and orders in connection with the activities of the licensed mortgage loan originators sponsored by the federal savings bank, as the director determines necessary to ensure compliance with the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) and with Indiana law.

(b) Subsidiaries that are not licensed under this article and that are:

(i) owned and controlled by a depository institution; and

(ii) regulated by a federal banking agency. ~~or~~

(c) An institution regulated by the Farm Credit Administration.

(7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service organization that is majority owned, directly or indirectly, by one (1) or more credit unions.

(8) A first lien mortgage transaction originated by a registered mortgage loan originator, when acting for an entity described in subsection (6). However, a privately insured state chartered credit union shall comply with the system of mortgage loan originator registration developed by the Federal Financial Institutions Examinations Council under Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE).

(9) An individual who offers or negotiates terms of a mortgage transaction with or on behalf of an immediate family member of the individual.

(10) An individual who offers or negotiates terms of a mortgage transaction secured by a dwelling that served as the individual's residence.

(11) Unless the attorney is compensated by:

(a) a lender;

(b) a mortgage broker;

(c) another mortgage loan originator; or

(d) any agent of the lender, mortgage broker, or other mortgage loan originator described in clauses (a) through (c);

a licensed attorney who negotiates the terms of a mortgage transaction on behalf of a client as an ancillary matter to the attorney's representation of the client.

(12) The United States, any state or local government, or any agency or instrumentality of any governmental entity, including United States government sponsored enterprises.

(13) A person in whose name a tablefunded transaction is closed, as described in section 301(34)(a) of this chapter. However, the exemption provided by this subsection does not apply if:

(a) the transaction:

(i) is secured by a dwelling that is a mobile home, a manufactured home, or a trailer; and

(ii) is not also secured by an interest in land; and

(b) the person in whose name the transaction is closed, as described in section 301(34)(a) of this chapter, sells the dwelling to the debtor through a retail installment contract or other similar transaction.

(14) A bona fide nonprofit organization not operating in a commercial context, as determined by the director, if the following criteria are satisfied:

(a) Subject to clause (b), the organization originates only one (1) or both of the following types of mortgage transactions:

(i) Zero (0) interest first lien mortgage transactions.

(ii) Zero (0) interest subordinate lien mortgage transactions.

(b) The organization does not require, under the terms of the mortgage or otherwise, balloon payments with respect to the mortgage transactions described in clause (a).

(c) The organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(d) The organization's primary purpose is to serve the public by helping low income individuals and families build, repair, and purchase housing.

(e) The organization uses only:

(i) unpaid volunteers; or

(ii) employees whose compensation is not based on the number or size of any mortgage transactions that the employees originate;

to originate the mortgage transactions described in clause (a).

(f) The organization does not charge loan origination fees in connection with the mortgage transactions described in clause (a).

(15) A bona fide nonprofit organization (as defined in section 301(37) of this chapter) if the following criteria are satisfied:

(a) For each calendar year that the organization seeks the exemption provided by this subdivision, the organization certifies, not later than December 31 of the preceding calendar year and on a form prescribed by the director and accompanied by such documentation as required by the director, that the organization is a bona fide nonprofit organization (as defined in section 301(37) of this chapter).

(b) The director determines that the organization originates only mortgage transactions that are favorable to the debtor. For purposes of this clause, a mortgage transaction is favorable to the debtor if the director determines that the terms of the mortgage transaction are consistent with terms of mortgage transactions made in a public or charitable context, rather than in a commercial context.

SECTION 2. IC 24-4.4-2-401, AS AMENDED BY P.L.89-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 401. (1) Unless a person subject to this article has first obtained a license under this article from the department and annually maintains the license, the person shall not engage in Indiana as a creditor in first lien mortgage transactions. A separate license under this article is required for each legal entity that engages in Indiana as a creditor in first lien mortgage transactions. However, a separate license under this article is not required for each branch of a legal entity licensed under this article.

(2) Each:

(a) creditor licensed under this article; and

(b) entity exempt from licensing under this article that:

(i) employs **a licensed mortgage loan originator; or**

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), a licensed mortgage loan originator **as an independent agent;**

shall register with and maintain a valid unique identifier issued by the NMLSR. Each licensed mortgage loan originator must be employed by, **or sponsored under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) and as an independent agent,** and associated with, a licensed creditor, or an entity exempt from licensing under this article, in the NMLSR in order to originate loans.

(3) An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(4) Applicants for a license under this article must apply for the license in the form prescribed by the director. Each form:

(a) must contain content as set forth by rule, instruction, or procedure of the director; and

(b) may be changed or updated as necessary by the director to carry out the purposes of this article.

(5) To fulfill the purposes of this article, the director may establish relationships or contracts with the NMLSR or other entities designated by the NMLSR to:

(a) collect and maintain records; and

(b) process transaction fees or other fees related to licensees or other persons subject to this article.

(6) For the purpose of participating in the NMLSR, the director or the department may:

(a) waive or modify, in whole or in part, by rule or order, any of the requirements of this article; and

(b) establish new requirements as reasonably necessary to participate in the NMLSR.

SECTION 3. IC 24-4.4-2-402.3, AS AMENDED BY HEA 1245-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 402.3. (1) Each:

(a) creditor; and

(b) person exempt from licensing under this article that:

(i) employs **a licensed mortgage loan originator; or**

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), a licensed mortgage loan originator **as an independent agent;**

must be covered by a surety bond in accordance with this section.

(2) A surety bond must:

(a) provide coverage for:

(i) a creditor; or

(ii) a person exempt from licensing under this article that employs **a licensed mortgage loan originator, or that sponsors under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a))** a licensed mortgage loan originator **as an independent agent;**

in an amount as prescribed in subsection (4);

(b) be in a form prescribed by the director;

(c) be in effect:

(i) during the term of the creditor's license under this chapter; or

(ii) at any time during which the person exempt from licensing under this article employs **a licensed mortgage loan originator, or that sponsors under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a))** a licensed mortgage loan originator **as an independent agent;**

as applicable;

(d) remain in effect during the two (2) years after:

(i) the creditor ceases offering financial services to individuals in Indiana; or

(ii) the person exempt from licensing under this article ceases to employ **a licensed mortgage loan originator, or ceases to sponsor under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a))** a licensed mortgage loan originator **as an independent agent,** or to offer financial services to individuals in Indiana, whichever is later;

as applicable;

(e) be payable to the department for the benefit of:

(i) the state; and

(ii) individuals who reside in Indiana when they agree to

receive financial services from the creditor or the person exempt from licensing under this article, as applicable;

(f) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(g) have payment conditioned upon:

(i) the creditor's or any of the creditor's licensed mortgage loan originators'; or

(ii) the exempt person's or any of the exempt person's licensed mortgage loan originators';

noncompliance with or violation of this chapter, 750 IAC 9, or other federal or state laws or regulations applicable to mortgage lending.

(3) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this article.

(4) The penal sum of the surety bond shall be maintained in an amount that reflects the dollar amount of mortgage transactions originated as determined by the director. If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the creditor or exempt person for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(5) If for any reason a surety terminates a bond issued under this section, the creditor or the exempt person shall immediately notify the department and file a new surety bond in an amount determined by the director.

(6) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(7) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(8) Notices required under this section must be in writing and delivered by certified mail, return receipt requested and postage

prepaid, or by overnight delivery using a nationally recognized carrier.

SECTION 4. IC 24-4.4-2-405, AS AMENDED BY P.L.27-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 405. (1) Every licensee shall maintain records in a manner that will enable the department to determine whether the licensee is complying with this article. The record keeping system of a licensee is sufficient if the licensee makes the required information reasonably available. The department shall determine the sufficiency of the records and whether the licensee has made the required information reasonably available. The department shall be given free access to the records wherever the records are located. Records concerning any first lien mortgage transaction shall be retained for two (2) years after the making of the final entry relating to the transaction, but in the case of a revolving first lien mortgage transaction, the two (2) years required under this subsection is measured from the date of each entry relating to the transaction. **A federal savings bank that voluntarily registers with the department under IC 24-4.4-1-202(b)(6)(a) for the purpose of sponsoring, under an exclusive written agreement, licensed mortgage loan originators as independent agents shall:**

(a) cooperate with the department; and

(b) provide access to records and documents;

as required by the department in carrying out examinations of the activities of the licensed mortgage loan originators sponsored by the federal savings bank.

(2) The unique identifier of any person originating a mortgage transaction must be clearly shown on all mortgage transaction application forms and any other documents as required by the director.

(3) Every licensee shall use automated examination and regulatory software designated by the director, including third party software. Use of the software consistent with guidance and policies issued by the director is not a violation of IC 28-1-2-30.

(4) Each:

(a) creditor licensed by the department under this article; and

(b) entity that is exempt from licensing under this article and that:

(i) employs **one (1) or more licensed mortgage loan originators; or**

(ii) sponsors under an exclusive written agreement, as

permitted by IC 24-4.4-1-202(b)(6)(a), one (1) or more licensed mortgage originators **as independent agents;**

shall submit to the NMLSR reports of condition, which must be in a form and must contain information as required by the NMLSR.

(5) Each:

(a) creditor licensed by the department under this article; and

(b) entity exempt from licensing under this article that:

(i) employs **one (1) or more licensed mortgage loan originators; or**

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), one (1) or more licensed mortgage loan originators **as independent agents;**

shall file with the department additional financial statements relating to all first lien mortgage transactions originated by the licensed creditor or the exempt entity as required by the department, but not more frequently than annually, in the form prescribed by the department.

(6) A licensed creditor shall file notification with the department if the licensee:

(a) has a change in name, address, or any of its principals;

(b) opens a new branch, closes an existing branch, or relocates an existing branch;

(c) files for bankruptcy or reorganization; or

(d) is subject to revocation or suspension proceedings by a state or governmental authority with regard to the licensed creditor's activities;

not later than thirty (30) days after the date of the event described in this subsection.

(7) A licensee shall file notification with the department if the licensee or any director, executive officer, or manager of the licensee has been convicted of a felony under the laws of Indiana or any other jurisdiction. The licensee shall file the notification required by this subsection not later than thirty (30) days after the date of the event described in this subsection.

(8) A licensee shall file notification with the department if the licensee or any director, executive officer, or manager of the licensee has had the person's authority to do business in the securities, commodities, banking, financial services, insurance, real estate, or real estate appraisal industry revoked or suspended by Indiana or by any

other state, federal, or foreign governmental agency or self regulatory organization. The licensee shall file the notification required by this subsection not later than thirty (30) days after the date of the event described in this subsection.

SECTION 5. IC 24-4.5-3-502.1, AS ADDED BY P.L.35-2010, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 502.1. (1) Unless a person:

(a) is a depository institution;

(b) is a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency;

(c) is an institution regulated by the Farm Credit Administration; or

(d) has first obtained, and subsequently retains, a license from the department under this article;

the person shall not regularly engage in Indiana as a creditor in subordinate lien mortgage transactions, take assignments in Indiana of subordinate lien mortgage transactions, or undertake in the direct collection of payments from or enforcement of rights against debtors in Indiana arising from subordinate lien mortgage transactions.

(2) Each:

(a) creditor licensed by the department under this article; and

(b) entity **that is** exempt from licensing under this article **or under IC 24-4.4-1-202(b)(6)(a) and** that:

(i) employs **a licensed mortgage loan originator; or**

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), a licensed mortgage loan originator **as an independent agent;**

shall register with and maintain a valid unique identifier issued by the NMLSR. Each licensed mortgage loan originator must be employed by, **or sponsored under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a)) and as an independent agent,** and associated with, a licensed creditor or an exempt entity described under subdivision (b) in the NMLSR in order to originate loans.

(3) Applicants for a license must apply for a license under this chapter in a form prescribed by the director. Each form:

(a) must contain content as set forth by rule, instruction, or procedure of the director; and

(b) may be changed or updated as necessary by the director to

carry out the purposes of this article.

(4) To fulfill the purposes of this article, the director may establish relationships or contracts with the NMLSR or other entities designated by the NMLSR to:

(a) collect and maintain records; and

(b) process transaction fees or other fees;

related to licensees or other persons subject to this article.

(5) For the purpose of participating in the NMLSR, the director or the department may:

(a) waive or modify, in whole or in part, by rule, regulation, or order, any or all of the requirements of this article; and

(b) establish new requirements as reasonably necessary to participate in the NMLSR.

SECTION 6. IC 24-4.5-3-503.3, AS AMENDED BY P.L.216-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 503.3. (1) Each:

(a) creditor licensed by the department under this article; and

(b) person **that is** exempt from licensing under this article **or under IC 24-4.4-1-202(b)(6)(a) and** that:

(i) employs **a licensed mortgage loan originator; or**

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), a licensed mortgage loan originator **as an independent agent;**

must be covered by a surety bond in accordance with this section.

(2) A surety bond must:

(a) provide coverage for:

(i) a creditor described in subsection (1)(a); and

(ii) an exempt person described in subsection (1)(b);

in an amount as prescribed in subsection (4);

(b) be in a form as prescribed by the director;

(c) be in effect:

(i) during the term of the creditor's license under this chapter; or

(ii) at any time during which the person exempt from licensing under this article **or under IC 24-4.4-1-202(b)(6)(a)** employs **a licensed mortgage loan originator, or sponsors under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a))** a licensed mortgage loan originator

as an independent agent;

as applicable;

(d) remain in effect during the two (2) years after:

(i) the creditor ceases offering financial services to individuals in Indiana; or

(ii) the person exempt from licensing under this article **or under IC 24-4.4-1-202(b)(6)(a)** ceases to employ **a licensed mortgage loan originator, or ceases to sponsor under an exclusive written agreement (as permitted by IC 24-4.4-1-202(b)(6)(a))** a licensed mortgage loan originator **as an independent agent,** or to offer financial services to individuals in Indiana, whichever is later;

as applicable;

(e) be payable to the department for the benefit of:

(i) the state; and

(ii) individuals who reside in Indiana when they agree to receive financial services from the creditor or the person exempt from licensing under this article **or under IC 24-4.4-1-202(b)(6)(a),** as applicable;

(f) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(g) have payment conditioned upon:

(i) the creditor's or any of the creditor's licensed mortgage loan originators'; or

(ii) the exempt person's or any of the exempt person's licensed mortgage loan originators';

noncompliance with or violation of this chapter, 750 IAC 9, or other federal or state laws or regulations applicable to mortgage lending.

(3) The director may adopt rules or guidance documents with respect to the requirements for surety bonds as necessary to accomplish the purposes of this article.

(4) The penal sum of the surety bond shall be maintained in an amount that reflects the dollar amount of mortgage transactions originated as determined by the director. If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the creditor or exempt person for whom the bond

is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(5) If for any reason a surety terminates a bond issued under this section, the creditor or the exempt person shall immediately notify the department and file a new surety bond in an amount determined by the director.

(6) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(7) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(8) Notices required under this section must be in writing and delivered by certified mail, return receipt requested and postage prepaid, or by overnight delivery using a nationally recognized carrier.

SECTION 7. IC 24-4.5-3-505, AS AMENDED BY P.L.27-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 505. (1) Every creditor required to be licensed under this article shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the department to determine whether the licensee is complying with the provisions of this article. The record keeping system of a licensee shall be sufficient if the licensee makes the required information reasonably available. The department shall determine the sufficiency of the records and whether the licensee has made the required information reasonably available. The department shall be given free access to the records wherever located. The records pertaining to any loan shall be retained for two (2) years after making the final entry relating to the loan, but in the case of a revolving loan account the two (2) years is measured from the date of each entry. A person licensed or required to be licensed under this chapter is subject to IC 28-1-2-30.5 with respect to any records maintained by the person. **A person that is exempt from licensing under this article or under IC 24-4.4-1-202(b)(6)(a) and that sponsors one (1) or more licensed mortgage loan originators as independent agents under an**

exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), shall:

(a) cooperate with the department; and

(b) provide access to records and documents;

as required by the department in carrying out examinations of the activities of the licensed mortgage loan originators sponsored by the federal savings bank.

(2) The unique identifier of any person originating a mortgage transaction must be clearly shown on all mortgage transaction application forms and any other documents as required by the director.

(3) Every licensee that engages in mortgage transactions shall use automated examination and regulatory software designated by the director, including third party software. Use of the software consistent with guidance documents and policies issued by the director is not a violation of IC 28-1-2-30.

(4) Each:

(a) creditor that is licensed by the department under this article and that engages in mortgage transactions; and

(b) entity that is exempt from licensing under this article **or under IC 24-4.4-1-202(b)(6)(a)** and that:

(i) employs **one (1) or more licensed mortgage loan originators; or**

(ii) sponsors under an exclusive written agreement, as permitted by IC 24-4.4-1-202(b)(6)(a), one (1) or more licensed mortgage loan originators **as independent agents;**

shall submit to the NMLSR a call report, which must be in the form and contain information the NMLSR requires.

(5) Every creditor required to be licensed under this article shall file with the department a composite report as required by the department, but not more frequently than annually, in the form prescribed by the department relating to all consumer loans made by the licensee. The department shall consult with comparable officials in other states for the purpose of making the kinds of information required in the reports uniform among the states. Information contained in the reports shall be confidential and may be published only in composite form. The department may impose a fee in an amount fixed by the department under IC 28-11-3-5 for each day that a creditor fails to file the report required by this subsection.

(6) A creditor required to be licensed under this article shall file notification with the department if the licensee:

(a) has a change in name, address, or principals;

(b) opens a new branch, closes an existing branch, or relocates an existing branch;

(c) files for bankruptcy or reorganization; or

(d) is subject to revocation or suspension proceedings by a state or governmental authority with regard to the licensee's activities;

not later than thirty (30) days after the date of the event described in this subsection.

(7) Every licensee shall file notification with the department if the licensee or any director, executive officer, or manager of the licensee has been convicted of a felony under the laws of Indiana or any other jurisdiction. The licensee shall file the notification required by this subsection not later than thirty (30) days after the date of the event described in this subsection.

P.L.104-2014

[S.338. Approved March 25, 2014.]

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

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

SECTION 1. IC 2-5-1.1-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.3. (a) The following definitions apply throughout this section:**

(1) "Audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by subsection (b).

(2) "Audited entity" refers to the state, a municipality, a

public hospital, or another person or entity that is subject to an examination by the state board of accounts under IC 5-11-1 or another law. However, the term applies to an entity (as defined in IC 5-11-1-16(e)) to the extent that the entity is required to be examined under IC 5-11-1-9 or another law.

(3) "Examination" refers to an audit, examination, or other engagement by the state board of accounts, its field examiners, or private examiners under IC 5-11-1 or another law.

(b) The audit and financial reporting subcommittee of the legislative council is established to assure the independence of the state board of accounts. The subcommittee is comprised of five (5) voting members and one (1) advisory member, who shall be the director of the office of management and budget, or the director's designee. The chairman of the legislative council, with the advice of the vice chairman of the legislative council, shall appoint the voting members of the audit committee and its chairperson. The audit committee may have members who are not members of the legislative council. If the individual appointed is not a member of the general assembly, the term of the member is three (3) years. If the individual appointed is a member of the general assembly, the term of the member is one (1) year. However, to stagger the terms of the members, if the individual appointed is not a member of the general assembly, the initial term of two (2) of these members is two (2) years instead of three (3) years. All members of the audit committee must possess or obtain a basic understanding of governmental financial reporting and auditing. To ensure the audit committee's independence and effectiveness, a member of the audit committee may not exercise managerial responsibilities that fall within the scope of an examination required by IC 5-11-1.

(c) It is the responsibility of the audit committee to provide independent review and oversight of the state board of accounts and the examination process used by the state board of accounts. To carry out this responsibility, the audit committee shall do at least the following:

(1) Review and monitor the independence and objectivity of the state board of accounts and the effectiveness of the examination process, taking into consideration relevant

professional and regulatory requirements.

(2) Evaluate the findings and recommendations of any peer review of the state board of accounts that is required by recognized government auditing standards.

(3) Receive and review reports of examinations submitted under IC 5-11-5-1 or another law to monitor the integrity of the financial reporting process and the effectiveness of the state board of accounts in evaluating the internal accounting controls of audited entities.

(4) Monitor the actions of the examined entities to follow up on reported findings to assure corrective action is taken.

(5) Review the policy on the engagement of the state board of accounts, its field examiners, and private examiners to supply nonaudit services, taking into account relevant ethical guidance regarding the provision of nonaudit services by the state board of accounts.

(6) Provide guidance to the state board of accounts on any accounting, examination, or financial reporting matter requested by the state board of accounts.

(7) At least annually, report to the legislative council on how the audit committee has discharged its duties and met its responsibilities.

(d) An examined entity shall provide the audit committee with information, including any reports of internal auditors and annual internal audit work plans, that the audit committee requests as necessary or appropriate to carry out the responsibilities of the audit committee.

(e) IC 2-5-1.2 applies to the committee. In addition, the audit committee may retain the services of at least one (1) financial expert who is either an audit committee member or an outside party engaged by the audit committee for this purpose. The financial expert must, through both education and experience and in a manner specifically relevant to the government sector, possess:

(1) an understanding of generally accepted accounting principles and financial statements;

(2) experience in preparing or auditing financial statements of comparable entities;

(3) experience in applying such principles in connection with the accounting for estimates, accruals, and reserves;

(4) experience with internal accounting controls; and

(5) an understanding of audit committee functions.

The expenses of the audit committee shall be paid from appropriations for the legislative council and the legislative services agency.

SECTION 2. IC 5-11-1-1, AS AMENDED BY P.L.246-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** There is established a state board of accounts. The board consists of the state examiner and two (2) deputy examiners, as provided in this section.

(b) The principal officer of the board is the state examiner. ~~who shall~~ **To hold the office of state examiner, an individual must:**

(1) be appointed by the governor; ~~and who shall hold office for a term of four (4) years from the date of appointment. The state examiner must~~

(2) have the individual's appointment accepted by the legislative council in conformity with subsection (e); and

(3) be a certified public accountant with at least ~~three (3) consecutive years of active experience as a field examiner with the state board of accounts that immediately precedes the appointment as state examiner.~~ **five (5) years of accounting experience, including at least three (3) years of single audit experience in the public or private sector.**

(c) The governor shall also appoint two (2) deputy examiners. ~~who must have the same qualifications as the state examiner, be of different political parties, and be~~ **To hold the office of deputy examiner, an individual must:**

(1) be appointed by the governor; and

(2) be a certified public accountant.

A deputy examiner is subordinate to the state examiner. ~~The deputy examiners shall be appointed for terms of~~ **In the case of deputy examiners appointed after June 30, 2014, at least one (1) of the deputy examiners must have at least three (3) years of experience with the state board of accounts at the time of appointment.**

(d) Not more than two (2) of the three (3) individuals appointed to the state board of accounts may be members of the same political party. The term of a state examiner is four (4) years. **However, the term of the state examiner serving on January 1,**

2014, ends December 31, 2017. Notwithstanding the expiration of the term of a state examiner, the state examiner may continue to serve as acting state examiner until a state examiner is appointed or reappointed. The term of a deputy examiner is coterminous with the term of the state examiner.

(e) The governor shall submit to the executive director of the legislative services agency in an electronic format under IC 5-14-6 the name of an individual who the governor recommends for appointment under subsection (b) along with any supporting information that the governor determines is appropriate. The executive director of the legislative services agency shall submit the governor's recommendation along with any submitted supporting information to the members of the legislative council and place the information on the Internet web site maintained by the general assembly. At a meeting open to the public, the legislative council may adopt a resolution to accept or reject a recommendation of the governor. The legislative council may reject a recommendation with or without cause. If the legislative council fails to adopt a resolution accepting or rejecting a recommendation within forty-five (45) days after the recommendation is submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6, the recommendation shall be treated as accepted by the legislative council. The state examiner serving on January 1, 2014, shall be treated as accepted by the legislative council to the same extent as if the legislative council had adopted a resolution that accepted the state examiner's appointment.

(f) IC 4-21.5 applies to an action under this subsection. The state examiner and the deputy examiners are subject to removal by the governor for incompetency **(including failure to maintain the individual's status as a certified public accountant)** or for misconduct of the office. ~~after a~~ **If the governor seeks to remove the state examiner under this subsection, the governor shall notify the state examiner in writing of the governor's proposed action in conformity with IC 4-21.5-3-4 and submit a copy of the notice to the executive director of the legislative services agency in an electronic format under IC 5-14-6. The notice must state the reasons for the proposed action and indicate that the state examiner has fifteen (15) days after being given notice to petition**

for review of the proposed action. The notice must specify that a petition for review of the proposed action must be made in writing and be submitted to the executive director of the legislative services agency in accordance with IC 4-21.5-3-7. ~~hearing upon due notice and upon stated charges in writing. An appeal may be taken by the officer removed to~~ **The notice must also state that the state examiner may petition the legislative council under IC 4-21.5-3-4 for a stay of the proposed action pending final resolution of the matter. If a timely petition is filed with the executive director of the legislative services agency, the legislative council shall conduct a proceeding under IC 4-21.5 to review the petition. The determination by the legislative council is a final order. A state examiner removed from office under this subsection may petition for judicial review of a final action of the legislative council under IC 4-21.5-5 in** the circuit or a superior court of Marion County. **A deputy examiner removed from office under this subsection may petition for judicial review regarding the removal in the circuit or a superior court of Marion County.**

(g) A vacancy in the office of state examiner or deputy examiner must be filled in the same manner provided under this section for the appointment of the vacating officer. An individual appointed to fill a vacancy serves for the remainder of the vacating individual's term.

SECTION 3. IC 5-11-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this article, "municipality" means any county, township, city, town, school corporation, special taxing district, or other political subdivision of Indiana.

(b) As used in this article, "state" means any board, commission, department, division, bureau, committee, agency, governmental subdivision, military body, authority, or other instrumentality of the state, but does not include a municipality.

(c) As used in this article, "public office" means the office of any and every individual who for or on behalf of the state or any municipality or any public hospital holds, receives, disburses, or keeps the accounts of the receipts and disbursements of any public funds.

(d) As used in this article, "public officer" means any individual who holds, receives, disburses, or is required by law to keep any

account of public funds or other funds for which the individual is accountable by virtue of the individual's public office.

(e) As used in this article, "entity" means any provider of goods, services, or other benefits that is:

(1) maintained in whole or in part at public expense; or

(2) supported in whole or in part by appropriations or public funds or by taxation.

The term does not include the state or a municipality (as defined in this section).

(f) As used in this article, a "public hospital" means either of the following:

(1) An institution licensed under IC 16-21 and which is owned by the state or an agency of the state or one which is a municipal corporation. A hospital is a municipal corporation if its governing board members are appointed by elected officials of a municipality.

(2) A state institution (as defined in IC 12-7-2-184).

(g) As used in this article, "audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by IC 2-5-1.1-6.3.

SECTION 4. IC 5-11-5-1, AS AMENDED BY P.L.136-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Whenever an examination is made under this article, a report of the examination shall be made. The report must include a list of findings and shall be signed and verified by the examiner making the examination. A finding that is critical of an examined entity must be based upon one (1) of the following:

(1) Failure of the entity to observe a uniform compliance guideline established under IC 5-11-1-24(a).

(2) Failure of the entity to comply with a specific law.

A report that includes a finding that is critical of an examined entity must designate the uniform compliance guideline or the specific law upon which the finding is based. The reports shall immediately be filed with the state examiner, and, after inspection of the report, the state examiner shall immediately file one (1) copy with the officer or person examined, one (1) copy with the auditing department of the municipality examined and reported upon **(if the subject of the report is a municipality),** and one (1) copy in an electronic format under

IC 5-14-6 ~~of the reports of examination of state agencies, instrumentalities of the state, and federal funds administered by the state~~ with the legislative services agency, as staff to the **audit committee and the** general assembly. Upon filing, the report becomes a part of the public records of the office of the state examiner, of the office or the person examined, of the auditing department of the municipality examined and reported upon, and of the legislative services agency, as staff to **the audit committee and** the general assembly. A report is open to public inspection at all reasonable times after it is filed. If an examination discloses malfeasance, misfeasance, or nonfeasance in office or of any officer or employee, a copy of the report, signed and verified, shall be placed by the state examiner with the attorney general and the inspector general. The attorney general shall diligently institute and prosecute civil proceedings against the delinquent officer, or upon the officer's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(b) Before an examination report is signed, verified, and filed as required by subsection (a), the officer or the chief executive officer of the state office, municipality, or entity examined must have an opportunity to review the report and to file with the state examiner a written response to that report. If a written response is filed, it becomes a part of the examination report that is signed, verified, and filed as required by subsection (a).

(c) Except as required by subsections (b) and (d), it is unlawful for any deputy examiner, field examiner, or private examiner, before an examination report is made public as provided by this section, to make any disclosure of the result of any examination of any public account, except to the state examiner or if directed to give publicity to the examination report by the state examiner or by any court. If an examination report shows or discloses the commission of a crime by any person, it is the duty of the state examiner to transmit and present the examination report to the grand jury of the county in which the crime was committed at its first session after the making of the examination report and at any subsequent sessions that may be required. The state examiner shall furnish to the grand jury all evidence at the state examiner's command necessary in the investigation and

prosecution of the crime.

(d) If, during an examination under this article, a deputy examiner, field examiner, or private examiner acting as an agent of the state examiner determines that the following conditions are satisfied, the examiner shall report the determination to the state examiner:

(1) A substantial amount of public funds has been misappropriated or diverted.

(2) The deputy examiner, field examiner, or private examiner acting as an agent of the state examiner has a reasonable belief that the malfeasance or misfeasance that resulted in the misappropriation or diversion of the public funds was committed by the officer or an employee of the office.

(e) After receiving a preliminary report under subsection (d), the state examiner may provide a copy of the report to the attorney general. The attorney general may institute and prosecute civil proceedings against the delinquent officer or employee, or upon the officer's or employee's official bond, or both, and against any other proper person that will secure to the state or to the proper municipality the recovery of any funds misappropriated, diverted, or unaccounted for.

(f) In an action under subsection (e), the attorney general may attach the defendant's property under IC 34-25-2.

(g) A preliminary report under subsection (d) is confidential until the final report under subsection (a) is issued, unless the attorney general institutes an action under subsection (e) on the basis of the preliminary report.

SECTION 5. **An emergency is declared for this act.**

P.L.105-2014
[S.354. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 10-17-1-9, AS AMENDED BY P.L.144-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A county executive:

(1) shall designate and may:

(A) appoint a county service officer for a four (4) year term; or

(B) employ a county service officer; and

(2) may employ service officer assistants;

to serve the veterans of the county.

(b) The fiscal body of a city may provide for the employment by the mayor of a city service officer and service officer assistants to serve the veterans of the city.

(c) If the remuneration and expenses of a county or city service officer are paid from the funds of the county or city employing the service officer, the service officer shall:

(1) have the same qualifications and be subject to the same rules as the director, assistant director, and state service officers of the Indiana department of veterans' affairs; and

(2) serve under the supervision of the director of veterans' affairs.

A service officer assistant must have the same qualifications as an employee described in section 11(b) of this chapter. A rule contrary to this subsection is void.

(d) County and city fiscal bodies may appropriate funds necessary for the purposes described in this section.

SECTION 2. IC 10-17-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]:

Chapter 14. Hoosier Women Veterans Program

Sec. 1. As used in this chapter, "coordinator" refers to the Hoosier women veterans coordinator designated under section 7 of this chapter.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

Sec. 4. As used in this chapter, "program" refers to the Hoosier women veterans program established by section 6 of this chapter.

Sec. 5. As used in this chapter, "women veterans" means women who:

(1) served in the armed forces of the United States; and

(2) were discharged under conditions other than dishonorable.

Sec. 6. The Hoosier women veterans program is established within the department. The program must be funded using the available resources of the department.

Sec. 7. The director may designate a coordinator who is responsible for the administration of the program under the direction and supervision of the director.

Sec. 8. The program has the following purposes and duties:

(1) Perform outreach to improve women veterans' awareness of eligibility for federal and state veterans' services and benefits.

(2) Assess the needs of women veterans with respect to benefits and services.

(3) Review programs, research projects, and other initiatives designed to address or meet the needs of Indiana's women veterans.

(4) Make recommendations to the director to improve benefits and services for women veterans.

(5) Incorporate women veterans' issues in strategic planning concerning benefits and services.

Sec. 9. The department may set the salary of the coordinator

using only the available resources of the department.

Sec. 10. The department may adopt rules under IC 4-22-2 to implement this chapter.

P.L.106-2014
[S.375. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning economic development.

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

SECTION 1. IC 6-3.1-24-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. A certificate or tax credit issued under this chapter may not be considered to be a security for purposes of IC 23.**

SECTION 2. IC 23-19-1-2, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. In this article, unless the context otherwise requires:

(1) "Agent" means an individual, other than a broker-dealer, who represents a broker-dealer in effecting or attempting to effect purchases or sales of securities or represents an issuer in effecting or attempting to effect purchases or sales of the issuer's securities. However, a partner, officer, or director of a broker-dealer or issuer, or an individual having a similar status or performing similar functions is an agent only if the individual otherwise comes within the term. The term does not include an individual excluded by rule adopted or order issued under this article.

(2) "Bank" means:

(A) a banking institution organized under the laws of the United States;

(B) a member bank of the Federal Reserve System;

(C) any other banking institution, whether incorporated or not, doing business under the laws of a state or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to be exercised by national banks under the authority of the Comptroller of the Currency under Section 1 of Public Law 87-722 (12 U.S.C. 92a), and which is supervised and examined by a state or federal agency having supervision over banks, and which is not operated for the purpose of evading this article; and

(D) a receiver, conservator, or other liquidating agent of any institution or firm included in clause (A), (B), or (C).

(3) "Broker-dealer" means a person engaged in the business of effecting transactions in securities for the account of others or for the person's own account. The term does not include:

(A) an agent;

(B) an issuer;

(C) a bank, a savings institution, or a trust company that is a wholly owned subsidiary of a bank or savings institution if its activities as a broker-dealer are limited to those specified in subsections 3(a)(4)(B)(i) through (vi), (viii) through (x), and (xi) if limited to unsolicited transactions; 3(a)(5)(B); and 3(a)(5)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4) and 15 U.S.C. 78c(a)(5)) or a bank that satisfies the conditions described in subsection 3(a)(4)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4));

(D) an international banking institution; or

(E) a person excluded by rule adopted or order issued under this article.

(4) "Commissioner" means the securities commissioner appointed under IC 23-19-6-1(a).

(5) "Depository institution" means:

(A) a bank; or

(B) a savings institution, trust company, credit union, or similar institution that is organized or chartered under the laws of a state or of the United States, authorized to receive deposits, and supervised and examined by an official or

agency of a state or the United States if its deposits or share accounts are insured to the maximum amount authorized by statute by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or a successor authorized by federal law. The term does not include:

(i) an insurance company or other organization primarily engaged in the business of insurance;

(ii) a Morris Plan bank; or

(iii) an industrial loan company that is not an insured depository institution as defined in Section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)) or any successor federal statute.

(6) "Federal covered investment adviser" means a person registered under the Investment Advisers Act of 1940.

(7) "Federal covered security" means a security that is, or upon completion of a transaction will be, a covered security under Section 18(b) of the Securities Act of 1933 (15 U.S.C. 77r(b)) or rules or regulations adopted under that provision.

(8) "Filing" means the receipt under this article of a record by the commissioner or a designee of the commissioner.

(9) "Fraud", "fraudulent", "deceit", and "defraud" mean a misrepresentation of a material fact, a promise, representation, or prediction not made honestly or in good faith, or the failure to disclose a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading. This definition does not limit or diminish the full meaning of the terms as applied by or defined in courts of law or equity. The terms are not limited to common law deceit.

(10) "Guaranteed" means guaranteed as to payment of all principal, dividends, and interest.

(11) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

(A) a depository institution or international banking institution;

(B) an insurance company;

(C) a separate account of an insurance company;

(D) an investment company as defined in the Investment Company Act of 1940;

(E) a broker-dealer registered under the Securities Exchange Act of 1934;

(F) an employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars ($10,000,000) or its investment decisions are made by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under this article, a depository institution, or an insurance company;

(G) a plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars ($10,000,000) or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under this article, a depository institution, or an insurance company;

(H) a trust, if it has total assets in excess of ten million dollars ($10,000,000), its trustee is a depository institution, and its participants are exclusively plans of the types identified in clause (F) or (G), regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(I) an organization described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)), corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars ($10,000,000);

(J) a small business investment company licensed by the Small Business Administration under Section 301(c) of the Small

Business Investment Act of 1958 (15 U.S.C. 681(c)) with total assets in excess of ten million dollars ($10,000,000);

(K) a private business development company, as defined in Section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(22)) with total assets in excess of ten million dollars ($10,000,000);

(L) a federal covered investment adviser acting for its own account;

(M) a "qualified institutional buyer", as defined in Rule 144A(a)(1), other than Rule 144A(a)(1)(i)(H), adopted under the Securities Act of 1933 (17 CFR 230.144A);

(N) a "major U.S. institutional investor", as defined in Rule 15a-6(b)(4)(i) adopted under the Securities Exchange Act of 1934 (17 CFR 240.15a-6);

(O) any other person, other than an individual, of institutional character with total assets in excess of ten million dollars ($10,000,000) not organized for the specific purpose of evading this article; or

(P) any other person specified by rule adopted or order issued under this article.

(12) "Insurance company" means a company organized as an insurance company whose primary business is writing insurance or reinsuring risks underwritten by insurance companies and which is subject to supervision by the insurance commissioner or a similar official or agency of a state.

(13) "Insured" means insured as to payment of all principal and all interest.

(14) "International banking institution" means an international financial institution of which the United States is a member and whose securities are exempt from registration under the Securities Act of 1933.

(15) "Investment adviser" means a person that, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities or that, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. The term includes a financial planner or other person that, as an

integral component of other financially related services, provides investment advice to others for compensation as part of a business or that holds itself out as providing investment advice to others for compensation. The term does not include:

(A) an investment adviser representative;

(B) a lawyer, accountant, engineer, or teacher whose performance of investment advice is solely incidental to the practice of the person's profession;

(C) a broker-dealer or its agents whose performance of investment advice is solely incidental to the conduct of business as a broker-dealer and that does not receive special compensation for the investment advice;

(D) a publisher of a bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;

(E) a federal covered investment adviser;

(F) a bank, a savings institution, or a trust company that is a wholly owned subsidiary of a bank or savings institution;

(G) any other person that is excluded by the Investment Advisers Act of 1940 from the definition of investment adviser; or

(H) any other person excluded by rule adopted or order issued under this article.

(16) "Investment adviser representative" means an individual employed by or associated with an investment adviser or federal covered investment adviser and who makes any recommendations or otherwise gives investment advice regarding securities, manages accounts or portfolios of clients, determines which recommendation or advice regarding securities should be given, provides investment advice or holds herself or himself out as providing investment advice, receives compensation to solicit, offer, or negotiate for the sale of or for selling investment advice, or supervises employees who perform any of the foregoing. The term does not include an individual who:

(A) performs only clerical or ministerial acts;

(B) is an agent whose performance of investment advice is solely incidental to the individual acting as an agent and who does not receive special compensation for investment advisory

services;

(C) is employed by or associated with a federal covered investment adviser, unless the individual has a "place of business" in this state, as that term is defined by rule adopted under Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a), and is:

(i) an "investment adviser representative", as that term is defined by rule adopted under Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a); or

(ii) not a "supervised person", as that term is defined in Section 202(a)(25) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(25)); or

(D) is excluded by rule adopted or order issued under this article.

(17) "Issuer" means a person that issues or proposes to issue a security, subject to the following:

(A) The issuer of a voting trust certificate, collateral trust certificate, certificate of deposit for a security, or share in an investment company without a board of directors or individuals performing similar functions is the person performing the acts and assuming the duties of depositor or manager under the trust or other agreement or instrument under which the security is issued.

(B) The issuer of an equipment trust certificate or similar security serving the same purpose is the person by which the property is or will be used or to which the property or equipment is or will be leased or conditionally sold or that is otherwise contractually responsible for assuring payment of the certificate.

(C) The issuer of a fractional undivided interest in an oil, gas, or other mineral lease or in payments out of production under a lease, right, or royalty is the owner of an interest in the lease or in payments out of production under a lease, right, or royalty, whether whole or fractional, that creates fractional interests for the purpose of sale.

(18) "Nonissuer transaction" or "nonissuer distribution" means a transaction or distribution not directly or indirectly for the benefit of the issuer.

(19) "Offer to purchase" includes an attempt or offer to obtain, or solicitation of an offer to sell, a security or interest in a security for value. The term does not include a tender offer that is subject to Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)).

(20) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(21) "Place of business" of a broker-dealer, an investment adviser, or a federal covered investment adviser means:

(A) an office at which the broker-dealer, investment adviser, or federal covered investment adviser regularly provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients; or

(B) any other location that is held out to the general public as a location at which the broker-dealer, investment adviser, or federal covered investment adviser provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients.

(22) "Predecessor act" means IC 23-2-1 (before its repeal).

(23) "Price amendment" means the amendment to a registration statement filed under the Securities Act of 1933 or, if an amendment is not filed, the prospectus or prospectus supplement filed under the Securities Act of 1933 that includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

(24) "Principal place of business" of a broker-dealer or an investment adviser means the executive office of the broker-dealer or investment adviser from which the officers, partners, or managers of the broker-dealer or investment adviser direct, control, and coordinate the activities of the broker-dealer or investment adviser.

(25) "Record", except in the phrases "of record", "official record", and "public record", means information that is inscribed on a tangible medium or that is stored in an electronic or other medium

and is retrievable in perceivable form.

(26) "Sale" includes every contract of sale, contract to sell, or disposition of a security or interest in a security for value, and "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to purchase, a security or interest in a security for value. Both terms include:

(A) a security given or delivered with, or as a bonus on account of, a purchase of securities or any other thing constituting part of the subject of the purchase and having been offered and sold for value;

(B) a gift of assessable stock involving an offer and sale; and

(C) a sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer and a sale or offer of a security that gives the holder a present or future right or privilege to convert the security into another security of the same or another issuer, including an offer of the other security.

(27) "Securities and Exchange Commission" means the United States Securities and Exchange Commission.

(28) "Security" means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; fractional undivided interest in oil, gas, or other mineral rights; put, call, straddle, option, or privilege on a security, certificate of deposit, or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a "security"; or a certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. The term:

(A) includes both a certificated and an uncertificated security;

(B) does not include an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed or variable sum of money either in a lump sum

or periodically for life or another specified period;

(C) does not include an interest in a contributory or noncontributory pension or welfare plan subject to the Employee Retirement Income Security Act of 1974;

(D) includes as an "investment contract" an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor and a "common enterprise" means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors; and

(E) includes as an "investment contract", among other contracts, an interest in a limited partnership and a limited liability company and an investment in a viatical settlement or similar agreement.

(29) "Self-regulatory organization" means a national securities exchange registered under the Securities Exchange Act of 1934, a national securities association of broker-dealers registered under the Securities Exchange Act of 1934, a clearing agency registered under the Securities Exchange Act of 1934, or the Municipal Securities Rulemaking Board established under the Securities Exchange Act of 1934.

(30) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach or logically associate with the record an electronic symbol, sound, or process.

(31) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(32) "Accredited investor" has the meaning set forth in 17 CFR 230.501(a).

SECTION 3. IC 23-19-2-2, AS ADDED BY P.L.27-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The following transactions are exempt from the requirements of IC 23-19-3-1 through IC 23-19-3-6 and IC 23-19-5-4:

(1) An isolated nonissuer transaction, whether effected by or

through a broker-dealer or not.

(2) A nonissuer transaction by or through a broker-dealer registered, or exempt from registration under this article, and a resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940, in a security of a class that has been outstanding in the hands of the public for at least ninety (90) days, if, at the date of the transaction:

(A) the issuer of the security is engaged in business, the issuer is not in the organizational stage or in bankruptcy or receivership, and the issuer is not a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that its primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person;

(B) the security is sold at a price reasonably related to its current market price;

(C) the security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the broker-dealer as an underwriter of the security or a redistribution;

(D) a nationally recognized securities manual or its electronic equivalent designated by rule adopted or order issued under this article or a record filed with the Securities and Exchange Commission that is publicly available contains:

(i) a description of the business and operations of the issuer;

(ii) the names of the issuer's executive officers and the names of the issuer's directors, if any;

(iii) an audited balance sheet of the issuer as of a date within eighteen (18) months before the date of the transaction or, in the case of a reorganization or merger when the parties to the reorganization or merger each had an audited balance sheet, a pro forma balance sheet for the combined organization; and

(iv) an audited income statement for each of the issuer's two (2) immediately previous fiscal years or for the period of existence of the issuer, whichever is shorter, or, in the case of a reorganization or merger when each party to the

reorganization or merger had audited income statements, a pro forma income statement; and

(E) any one (1) of the following requirements is met:

(i) The issuer of the security has a class of equity securities listed on a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934 or designated for trading on the National Association of Securities Dealers Automated Quotation System.

(ii) The issuer of the security is a unit investment trust registered under the Investment Company Act of 1940.

(iii) The issuer of the security, including its predecessors, has been engaged in continuous business for at least three (3) years.

(iv) The issuer of the security has total assets of at least two million dollars ($2,000,000) based on an audited balance sheet as of a date within eighteen (18) months before the date of the transaction or, in the case of a reorganization or merger when the parties to the reorganization or merger each had such an audited balance sheet, a pro forma balance sheet for the combined organization.

(3) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article in a security of a foreign issuer that is a margin security defined in regulations or rules adopted by the Board of Governors of the Federal Reserve System.

(4) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article in an outstanding security if the guarantor of the security files reports with the Securities and Exchange Commission under the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

(5) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article in a security that:

(A) is rated at the time of the transaction by a nationally recognized statistical rating organization in one (1) of its four (4) highest rating categories; or

(B) has a fixed maturity or a fixed interest or dividend, if:

(i) a default has not occurred during the current fiscal year or within the three (3) previous fiscal years, or during the existence of the issuer and any predecessor if less than three (3) fiscal years, in the payment of principal, interest, or dividends on the security; and

(ii) the issuer is engaged in business, is not in the organizational stage or in bankruptcy or receivership, and is not and has not been within the previous twelve (12) months a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that its primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

(6) A nonissuer transaction by or through a broker-dealer registered or exempt from registration under this article effecting an unsolicited order or offer to purchase.

(7) A nonissuer transaction executed by a bona fide pledgee without the purpose of evading this article.

(8) A nonissuer transaction by a federal covered investment adviser with investments under management in excess of one hundred million dollars ($100,000,000) acting in the exercise of discretionary authority in a signed record for the account of others.

(9) A transaction in a security, whether or not the security or transaction is otherwise exempt, in exchange for one (1) or more bona fide outstanding securities, claims, or property interests, or partly in such exchange and partly for cash, if the terms and conditions of the issuance and exchange or the delivery and exchange and the fairness of the terms and conditions have been approved by the commissioner after a hearing.

(10) A transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(11) A transaction in a note, bond, debenture, or other evidence of indebtedness secured by a mortgage or other security agreement if:

(A) the note, bond, debenture, or other evidence of indebtedness is offered and sold with the mortgage or other

security agreement as a unit;

(B) a general solicitation or general advertisement of the transaction is not made; and

(C) a commission or other remuneration is not paid or given, directly or indirectly, to a person not registered under this article as a broker-dealer or as an agent.

(12) A transaction by an executor, administrator of an estate, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(13) A sale or offer to sell to:

(A) an institutional investor;

(B) a federal covered investment adviser; or

(C) any other person exempted by rule adopted or order issued under this article.

(14) A sale or an offer to sell securities of an issuer, if the transaction is part of a single issue in which:

(A) not more than twenty-five (25) purchasers are present in this state during any twelve (12) consecutive months, other than those designated in subdivision (13);

(B) a general solicitation or general advertising is not made in connection with the offer to sell or sale of the securities;

(C) a commission or other remuneration is not paid or given, directly or indirectly, to a person other than a broker-dealer registered under this article or an agent registered under this article for soliciting a prospective purchaser in this state; and

(D) the issuer reasonably believes that all the purchasers in this state, other than those designated in subdivision (13), are purchasing for investment.

(15) A transaction under an offer to existing security holders of the issuer, including persons that at the date of the transaction are holders of convertible securities, options, or warrants, if a commission or other remuneration, other than a standby commission, is not paid or given, directly or indirectly, for soliciting a security holder in this state.

(16) An offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933 if:

(A) a registration or offering statement or similar record as required under the Securities Act of 1933 has been filed, but

is not effective, or the offer is made in compliance with Rule 165 adopted under the Securities Act of 1933 (17 CFR 230.165); and

(B) a stop order of which the offeror is aware has not been issued against the offeror by the commissioner or the Securities and Exchange Commission, and an audit, inspection, or proceeding that is public and that may culminate in a stop order is not known by the offeror to be pending.

(17) An offer to sell, but not a sale of, a security exempt from registration under the Securities Act of 1933 if:

(A) a registration statement has been filed under this article, but is not effective;

(B) a solicitation of interest is provided in a record to offerees in compliance with a rule adopted by the commissioner under this article; and

(C) a stop order of which the offeror is aware has not been issued by the commissioner under this article and an audit, inspection, or proceeding that may culminate in a stop order is not known by the offeror to be pending.

(18) A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets, or other reorganization to which the issuer, or its parent or subsidiary and the other person, or its parent or subsidiary, are parties.

(19) A rescission offer, sale, or purchase under IC 23-19-5-10.

(20) An offer or sale of a security to a person not a resident of this state and not present in this state if the offer or sale does not constitute a violation of the laws of the state or foreign jurisdiction in which the offeree or purchaser is present and is not part of an unlawful plan or scheme to evade this article.

(21) Employees' stock purchase, savings, option, profit-sharing, pension, or similar employees' benefit plan, including any securities, plan interests, and guarantees issued under a compensatory benefit plan or compensation contract, contained in a record, established by the issuer, its parents, its majority-owned subsidiaries, or the majority-owned subsidiaries of the issuer's parent for the participation of their employees

including offers or sales of such securities to:

(A) directors; general partners; trustees, if the issuer is a business trust; officers; consultants; and advisers;

(B) family members who acquire such securities from those persons through gifts or domestic relations orders;

(C) former employees, directors, general partners, trustees, officers, consultants, and advisers if those individuals were employed by or providing services to the issuer when the securities were offered; and

(D) insurance agents who are exclusive insurance agents of the issuer, or the issuer's subsidiaries or parents, or who derive more than fifty percent (50%) of their annual income from those organizations.

(22) A transaction involving:

(A) a stock dividend or equivalent equity distribution, whether the corporation or other business organization distributing the dividend or equivalent equity distribution is the issuer or not, if nothing of value is given by stockholders or other equity holders for the dividend or equivalent equity distribution other than the surrender of a right to a cash or property dividend if each stockholder or other equity holder may elect to take the dividend or equivalent equity distribution in cash, property, or stock;

(B) an act incident to a judicially approved reorganization in which a security is issued in exchange for one (1) or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash; or

(C) the solicitation of tenders of securities by an offeror in a tender offer in compliance with Rule 162 adopted under the Securities Act of 1933 (17 CFR 230.162).

(23) A nonissuer transaction in an outstanding security by or through a broker-dealer registered or exempt from registration under this article, if the issuer is a reporting issuer in a foreign jurisdiction designated by this subdivision or by rule adopted or order issued under this article; has been subject to continuous reporting requirements in the foreign jurisdiction for not less than one hundred eighty (180) days before the transaction; and the security is listed on the foreign jurisdiction's securities exchange

that has been designated by this subdivision or by rule adopted or order issued under this article, or is a security of the same issuer that is of senior or substantially equal rank to the listed security or is a warrant or right to purchase or subscribe to any of the foregoing. For purposes of this subdivision, Canada, together with its provinces and territories, is a designated foreign jurisdiction and The Toronto Stock Exchange, Inc., is a designated securities exchange. After an administrative hearing in compliance with this article, the commissioner, by rule adopted or order issued under this article, may revoke the designation of a securities exchange under this subdivision, if the commissioner finds that revocation is necessary or appropriate in the public interest and for the protection of investors.

(24) Subject to the following, an offer or sale of securities by an issuer made after June 30, 2014, only to persons who are or the issuer reasonably believes are accredited investors:

(A) The exemption under this subdivision is not available to an issuer that is in the development stage that either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with:

(i) an unidentified company or companies; or

(ii) another entity or person.

(B) The issuer reasonably believes that all purchasers are purchasing for investment and not with the view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on the exemption under this subdivision within twelve (12) months after sale is presumed to be with a view to distribution and not for investment, except:

(i) a resale under a registration statement effective under IC 23-19-3; or

(ii) a resale to an accredited investor under an exemption available under the Indiana Uniform Securities Act.

(C) Except as provided in clause (D), the exemption under this subdivision is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners,

beneficial owners of ten percent (10%) or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director, or officer of the underwriter:

(i) within the last five (5) years, has filed a registration statement that is the subject of a currently effective registration stop order entered by any state securities administrator or the Securities and Exchange Commission;

(ii) within the last five (5) years, has been convicted of any criminal offense in connection with the offer, purchase, or sale of any security, or any criminal offense involving fraud or deceit;

(iii) is currently subject to any state or federal administrative enforcement order or judgment entered within the last five (5) years, finding fraud or deceit in connection with the purchase or sale of any security; or

(iv) is currently subject to any order, judgment, or decree of any court with jurisdiction, entered within the last five (5) years, temporarily, preliminarily, or permanently restraining or enjoining the party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(D) Clause (C) does not apply if:

(i) the party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment, or decree creating the disqualification was entered against the party;

(ii) before the first offer under the exemption described in this subdivision, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification; or

(iii) the issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under this subdivision.

(E) A general announcement of the proposed offering may

be made by any means. A general announcement described in this clause must include only the following information, unless additional information is specifically permitted by the commissioner:

(i) The name, address, and telephone number of the issuer of the securities.

(ii) The name, a brief description, and price (if known) of any security to be issued.

(iii) A brief description of the business of the issuer in twenty-five (25) words or less.

(iv) The type, number, and aggregate amount of securities being offered.

(v) The name, address, and telephone number of the person to contact for additional information.

(vi) A statement that indicates that sales will be made only to accredited investors, that no money or other consideration is being solicited or will be accepted by way of the general announcement, that the securities have not been registered with or approved by any state securities agency or the Securities and Exchange Commission, and that the securities are being offered and sold under an exemption from registration.

(F) The issuer, in connection with an offer, may provide information in addition to the general announcement under clause (E), if the information:

(i) is delivered through an electronic data base that is restricted to persons who have been prequalified as accredited investors; or

(ii) is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor.

(G) No telephone solicitation is permitted unless before placing the call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor.

(H) Dissemination of the general announcement of the proposed offering to persons who are not accredited investors does not disqualify the issuer from claiming the exemption under this subdivision.

(I) The issuer shall file with the division a notice of

transaction, a consent to service of process, a copy of the general announcement, and a fee established by the commissioner within fifteen (15) days after the first sale in Indiana.

(25) An offer to sell or a sale of a security of an issuer made after June 30, 2014, if:

(A) the transaction is part of a single issue in which:

(i) the offer or sale is made in compliance with 17 CFR 230.504, 17 CFR 230.505, and 17 CFR 230.506, including any offer or sale made exempt by the application of 17 CFR 508(a);

(ii) the issuer is required to submit a notice filing on a Form D not later than fifteen (15) days after the first sale of securities in this state; and

(iii) by submitting the notice described in item (ii), the issuer agrees, upon written request by the commissioner, to furnish to the commissioner any information the issuer furnished to offerees;

(B) for offerings made in compliance with 17 CFR 230.504, no commission, fee, or other remuneration is paid or given, directly or indirectly, to any broker-dealer for soliciting any prospective purchaser in this state unless the broker-dealer is appropriately registered under this article. It is a defense to a violation of this clause if the issuer sustains the burden of proof that the issuer did not know and, in the exercise of reasonable care could not have known, that the person who received the commission, fee, or other remuneration was not properly registered; and

(C) in all sales to purchasers other than those described in subdivision (13) for offerings made in compliance with 17 CFR 230.504, at least one (1) of the following is satisfied:

(i) The investment is suitable for the purchaser upon the basis of facts, if any facts are disclosed by the purchaser, as to the purchaser's other securities holdings, financial situation, and needs. For purposes of this item only, it is presumed that, if the investment does not exceed ten percent (10%) of the investor's net worth, the investment is suitable.

(ii) The purchaser, either alone or with the purchaser's

representative or representatives, has the knowledge and experience in financial and business matters that demonstrate that the purchaser is capable of evaluating the merits and risks of the prospective investment.

(26) Any offer or sale of securities after June 30, 2014, by an issuer that meets the requirements of the federal exemption for intrastate offerings in Section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. 77c(a)(11), and Securities and Exchange Commission Rule 147, 17 CFR 230.147. However, all the following apply:

(A) The issuer must make a notice filing with the division on a form prescribed by the commissioner within thirty (30) days after the first sale in Indiana.

(B) Any commission, discount, or other remuneration for sales of securities in Indiana must be paid or given only to dealers or salespersons licensed under this article.

(C) The issuer must pay the fee established by the commissioner. However, no filing fee is required to file amendments to Form D of the Securities and Exchange Commission.

(D) Within ten (10) days of receiving the form required by this subdivision, the commissioner may require the issuer to furnish any additional information considered necessary by the commissioner to determine the issuer's qualifications.

(27) An offer or sale of a security made after June 30, 2014, by an issuer if the offer or sale is conducted in accordance with all the following requirements:

(A) The issuer of the security is a business entity organized under the laws of Indiana and authorized to do business in Indiana.

(B) The transaction meets the requirements of the federal exemption for intrastate offerings in Section 3(a)(11) of the Securities Act of 1933 (15 U.S.C. 77c(a)(11)) and Rule 147 adopted under the Securities Act of 1933 (17 CFR 230.147).

(C) Except as provided in clause (E), the sum of all cash and other consideration to be received for all sales of the security in reliance on the exemption under this

subdivision, excluding sales to any accredited investor or institutional investor, does not exceed the following amount:

(i) If the issuer has not undergone and made available to each prospective investor and the commissioner the documentation resulting from a financial audit of its most recently completed fiscal year that complies with generally accepted accounting principles, one million dollars ($1,000,000), less the aggregate amount received for all sales of securities by the issuer within the twelve (12) months before the first offer or sale made in reliance on the exemption under this subdivision.

(ii) If the issuer has undergone and made available to each prospective investor and the commissioner the documentation resulting from a financial audit of its most recently completed fiscal year that complies with generally accepted accounting principles, two million dollars ($2,000,000), less the aggregate amount received for all sales of securities by the issuer within the twelve (12) months before the first offer or sale made in reliance on the exemption under this subdivision.

(D) An offer or sale to an officer, director, partner, trustee, or individual occupying similar status or performing similar functions with respect to the issuer or to a person owning ten percent (10%) or more of the outstanding shares of any class or classes of securities of the issuer does not count toward the monetary limitations in clause (C).

(E) The issuer does not accept more than five thousand dollars ($5,000) from any single purchaser unless the purchaser is an accredited investor.

(F) Unless waived by written consent by the commissioner, not less than ten (10) days before the commencement of an offering of securities in reliance on the exemption under this subdivision, the issuer must do all the following:

(i) Make a notice filing with the division on Form D of the Securities and Exchange Commission.

(ii) Pay the fee established by the commissioner. However, no filing fee is required to file amendments to Form D of the Securities and Exchange Commission.

(iii) Provide the commissioner a copy of the disclosure document to be provided to prospective investors under clause (L).

(iv) Provide the commissioner a copy of an escrow agreement with a bank, regulated trust company or corporate fiduciary, savings bank, savings and loan association, or credit union authorized to do business in Indiana in which the issuer will deposit the investor funds or cause the investor funds to be deposited. The bank, regulated trust company or corporate fiduciary, savings bank, savings and loan association, or credit union in which the investor funds are deposited is only responsible to act at the direction of the party establishing the escrow agreement and does not have any duty or liability, contractual or otherwise, to any investor or other person.

(v) The issuer shall not access the escrow funds until the aggregate funds raised from all investors equals or exceeds the minimum amount specified in the escrow agreement.

(vi) An investor may cancel the investor's commitment to invest if the target offering amount is not raised before the time stated in the escrow agreement.

(G) The issuer is not, either before or as a result of the offering, an investment company, as defined in Section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3), an entity that would be an investment company but for the exclusions provided in Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)), or subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 15 U.S.C. 78o(d)).

(H) The issuer informs all prospective purchasers of securities offered under an exemption under this subdivision that the securities have not been registered under federal or state securities law and that the securities are subject to limitations on resale. The issuer shall display the following legend conspicuously on the cover page of the disclosure document:

"IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD EXCEPT AS PERMITTED BY SUBSECTION (e) OF SEC RULE 147 (17 CFR 230.147(e)) AS PROMULGATED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND THE APPLICABLE STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION THEREFROM. INVESTORS SHOULD BE AWARE THAT THEY WILL BE REQUIRED TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE PERIOD OF TIME.".

(I) The issuer requires each purchaser to certify in writing or electronically as follows:

"I UNDERSTAND AND ACKNOWLEDGE THAT I am investing in a high-risk, speculative business venture. I may lose all of my investment, or under some circumstances more than my investment, and I can afford this loss. This offering has not been reviewed or approved by any state or federal securities commission or division or other regulatory authority and no such person or authority has confirmed the accuracy or determined the adequacy of any disclosure made to me relating to this offering. The securities I am acquiring in this offering are illiquid, there is no ready market for the sale of such securities, it may be difficult or impossible

for me to sell or otherwise dispose of this investment, and, accordingly, I may be required to hold this investment indefinitely. I may be subject to tax on my share of the taxable income and losses of the company, whether or not I have sold or otherwise disposed of my investment or received any dividends or other distributions from the company.".

(J) The issuer obtains from each purchaser of a security offered under an exemption under this subdivision evidence that the purchaser is a resident of Indiana and, if applicable, is an accredited investor.

(K) All payments for purchase of securities offered under an exemption under this subdivision are directed to and held by the financial institution specified in clause (F)(iv). The commissioner may request from the financial institutions information necessary to ensure compliance with this section. This information is not a public record and is not available for public inspection.

(L) The issuer of securities offered under an exemption under this subdivision provides a disclosure document to each prospective investor at the time the offer of securities is made to the prospective investor that contains all the following:

(i) A description of the company, its type of entity, the address and telephone number of its principal office, its history, its business plan, and the intended use of the offering proceeds, including any amounts to be paid, as compensation or otherwise, to any owner, executive officer, director, managing member, or other person occupying a similar status or performing similar functions on behalf of the issuer.

(ii) The identity of all persons owning more than twenty percent (20%) of the ownership interests of any class of securities of the company.

(iii) The identity of the executive officers, directors, managing members, and other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer, including their titles and their prior experience.

(iv) The terms and conditions of the securities being offered and of any outstanding securities of the company; the minimum and maximum amount of securities being offered, if any; either the percentage ownership of the company represented by the offered securities or the valuation of the company implied by the price of the offered securities; the price per share, unit, or interest of the securities being offered; any restrictions on transfer of the securities being offered; and a disclosure of any anticipated future issuance of securities that might dilute the value of securities being offered.

(v) The identity of any person who has been or will be retained by the issuer to assist the issuer in conducting the offering and sale of the securities, including any Internet web site operator but excluding persons acting solely as accountants or attorneys and employees whose primary job responsibilities involve the operating business of the issuer rather than assisting the issuer in raising capital.

(vi) For each person identified as required in this clause, a description of the consideration being paid to the person for such assistance.

(vii) A description of any litigation, legal proceedings, or pending regulatory action involving the company or its management.

(viii) The names and addresses, including the Uniform Resource Locator, of each Internet web site that will be used by the issuer to offer or sell securities under an exemption under this subdivision.

(ix) Any additional information material to the offering, including, if appropriate, a discussion of significant factors that make the offering speculative or risky. This discussion must be concise and organized logically and may not be limited to risks that could apply to any issuer or any offering.

(M) The exemption under this subdivision may not be used in conjunction with any other exemption under this article, except for offers and sales to individuals identified in the

disclosure document, during the immediately preceding twelve (12) month period.

(N) The exemption described in this subdivision does not apply if an issuer or person affiliated with the issuer or offering is subject to disqualification established by the commissioner by rule or contained in the Securities Act of 1933 (15 U.S.C. 77c(a)(11)) and Rule 147 adopted under the Securities Act of 1933 (17 CFR 230.262). However, this clause does not apply if both of the following are met:

(i) On a showing of good cause and without prejudice to any other action by the commissioner, the commissioner determines that it is not necessary under the circumstances that an exemption is denied.

(ii) The issuer establishes that it made a factual inquiry into whether any disqualification existed under this subdivision but did not know, and in the exercise of reasonable care, could not have known that a disqualification existed under this subdivision. The nature and scope of the requisite inquiry will vary based on the circumstances of the issuer and the other offering participants.

(O) The offering exempted under this subdivision is made exclusively through one (1) or more Internet web sites and each Internet web site is subject to the following:

(i) Before any offer or sale of securities, the issuer must provide to the Internet web site operator evidence that the issuer is organized under the laws of Indiana and is authorized to do business in Indiana.

(ii) Subject to items (iii) and (v), the Internet web site operator must register with the division by filing a statement, accompanied by the filing fee established by the commissioner, that includes all the information described in section 2.3(b) of this chapter.

(iii) The Internet web site operator is not required to register as a broker-dealer if all the conditions in section 2.3(c) of this chapter apply with respect to the Internet web site and its operator.

(iv) If any change occurs that affects the Internet web site's registration exemption, the Internet web site

operator must notify the division within thirty (30) days after the change occurs.

(v) The Internet web site operator is not required to register as a broker-dealer under item (ii) if the Internet web site operator is registered as a broker-dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78o) or is a funding portal registered under the Securities Act of 1933 (15 U.S.C. 77d-1) and the Securities and Exchange Commission has adopted rules under authority of Section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(h)) and P.L.112-106, Section 304, governing funding portals. This item does not require an Internet web site operator to register as a broker-dealer under the Securities Exchange Act of 1934 or as a funding portal under the Securities Act of 1933.

(vi) The issuer and the Internet web site operator must maintain records of all offers and sales of securities effected through the Internet web site and must provide ready access to the records to the division, upon request. The records of an Internet web site operator under this clause are subject to the reasonable periodic, special, or other audits or inspections by a representative of the commissioner, in or outside Indiana, as the commissioner considers necessary or appropriate in the public interest and for the protection of investors. An audit or inspection may be made at any time and without prior notice. The commissioner may copy, and remove for audit or inspection copies of, all records the commissioner reasonably considers necessary or appropriate to conduct the audit or inspection. The commissioner may assess a reasonable charge for conducting an audit or inspection under this item.

(vii) The Internet web site operator shall limit web site access to the offer or sale of securities to only Indiana residents.

(viii) The Internet web site operator shall not hold, manage, possess, or handle investor funds or securities.

(ix) The Internet web site operator may not be an investor in any Indiana offering under this subdivision

or subdivision (26).

(P) An issuer of a security, the offer and sale of which is exempt under this subdivision, shall provide, free of charge, a quarterly report to the issuer's investors until no securities issued under an exemption under this subdivision are outstanding. An issuer may satisfy the reporting requirement of this clause by making the information available on an Internet web site if the information is made available within forty-five (45) days after the end of each fiscal quarter and remains available until the succeeding quarterly report is issued. An issuer shall file each quarterly report under this clause with the division and, if the quarterly report is made available on an Internet web site, the issuer shall also provide a written copy of the report to any investor upon request. The report must contain all the following:

(i) Compensation received by each director and executive officer, including cash compensation earned since the previous report and on an annual basis and any bonuses, stock options, other rights to receive securities of the issuer or any affiliate of the issuer, or other compensation received.

(ii) An analysis by management of the issuer of the business operations and financial condition of the issuer.

(Q) In 2019 and every fifth year thereafter, the commissioner shall cumulatively adjust the dollar limitations provided in clause (C) to reflect the change in the Consumer Price Index for all Urban Consumers published by the federal Bureau of Labor Statistics rounding each dollar limitation to the nearest fifty thousand dollars ($50,000).

SECTION 4. IC 23-19-2-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. (a) This section applies to an offering under section 2(27)(O) of this chapter that is made exclusively through one (1) or more Internet web sites and each Internet web site.**

(b) As required by section 2(27)(O)(ii) of this chapter, the Internet web site operator shall register with the division by filing a statement, accompanied by the filing fee established by the

commissioner, that includes all the following:

(1) That the Internet web site operator is a business entity organized under the laws of Indiana and authorized to do business in Indiana.

(2) That the Internet web site is being used to offer and sell securities pursuant to the exemption under section 2(27) of this chapter.

(3) The identity and location of, and contact information for, the Internet web site operator.

(4) Except as provided in subsection (c), that the Internet web site operator is registered as a broker-dealer under IC 23-19-4.

(c) The Internet web site operator is not required to register as a broker-dealer if all the following apply with respect to the Internet web site and its operator:

(1) It does not offer investment advice or recommendations.

(2) It does not solicit purchases, sales, or offers to buy the securities offered or displayed on the Internet web site.

(3) It does not compensate employees, agents, or other persons for the solicitation or based on the sale of securities displayed or referenced on the Internet web site.

(4) It is not compensated based on the amount of securities sold, and it does not hold, manage, possess, or otherwise handle investor funds or securities.

(5) The fee it charges an issuer for an offering of securities on the Internet web site is a fixed amount for each offering, a variable amount based on the length of time that the securities are offered on the Internet web site, or a combination of the fixed and variable amounts.

(6) It does not identify, promote, or otherwise refer to any individual security offered on the Internet web site in any advertising for the Internet web site.

(7) It does not engage in any other activities that the division, by rule, determines are prohibited of the Internet web site.

(8) Neither the Internet web site operator, nor any director, executive officer, general partner, managing member, or other person with management authority over the Internet web site operator, has been subject to any conviction, order, judgment, decree, or other action specified in Rule 506(d)(1)

adopted under the Securities Act of 1933 (17 CFR 230.506(d)(1)) that would disqualify an issuer under Rule 506(d) adopted under the Securities Act of 1933 (17 CFR 230.506(d)) from claiming an exemption specified in Rule 506(a) to Rule 506(c) adopted under the Securities Act of 1933 (17 CFR 230.506(a) to 17 CFR 230.506(c)).

SECTION 5. IC 23-19-2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. The commissioner may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter.**

P.L.107-2014
[S.396. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-2.6-1.5, AS AMENDED BY P.L.256-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) In acting to impose any requirements or set any prices concerning:

(1) interconnection with the facilities and equipment of providers for purposes of 47 U.S.C. 251(c)(2);

(2) the resale of telecommunications service for purposes of 47 U.S.C. 251(c)(4); or

(3) the unbundled access of one (1) provider to the network elements of another provider for purposes of 47 U.S.C. 251(c)(3);

the commission shall not exceed the authority delegated to the commission under federal laws and regulations with respect to those actions. ~~This subsection does not affect the commission's authority under IC 8-1-2-5.~~

(b) Subject to any regulations adopted by the Federal Communications Commission, this section does not affect:

(1) the commission's authority to mediate a dispute between providers under 47 U.S.C. 252(a);

(2) the commission's authority to arbitrate a dispute between providers under 47 U.S.C. 252(b);

(3) the commission's authority to approve an interconnection agreement under 47 U.S.C. 252(e), including the authority to establish service quality metrics and liquidated damages;

(4) the commission's authority to review and approve a provider's statement of terms and conditions under 47 U.S.C. 252(f);

(5) a provider's ability to file a complaint with the commission to have a dispute decided by the commission:

(A) after notice and hearing; and

(B) in accordance with this article; or

(6) the commission's authority to resolve an interconnection dispute between providers under the expedited procedures set forth in 170 IAC 7-7.

(c) If a provider's rates and charges for intrastate switched or special access service are:

(1) at issue in a dispute that the commission is authorized to mediate, arbitrate, or otherwise determine under state or federal law; or

(2) included in an interconnection agreement or a statement of terms and conditions that the commission is authorized to review or approve under state or federal law;

the commission shall consider the provider's rates and charges for intrastate switched or special access service to be just and reasonable if the intrastate rates and charges mirror the provider's interstate rates and charges for switched or special access service.

(d) If the commission requires a provider to file a tariff for intrastate switched access service, special access service, or any other service, the filing of the tariff with the commission serves as the public notice of the filing of the tariff. The commission shall provide the public with notice of tariff filings through the commission's Internet web site or other electronic means.

SECTION 2. IC 8-1-2.6-2, AS AMENDED BY P.L.27-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 2. (a) This section applies to rules and orders that:

(1) concern telecommunications service or providers of telecommunications service; and

(2) may be adopted or issued by the commission under the authority of state or federal law.

(b) Rules and orders described in this section:

(1) may be adopted or issued only after notice and hearing, unless:

(A) the commission determines in accordance with IC 8-1-2-113 that an emergency exists that requires the commission or a provider to take immediate action to:

(i) prevent injury to the business or interests of the citizens of Indiana; or

(ii) maintain a provider's financial integrity and ability to provide adequate basic telecommunications service;

(B) the commission is authorized under IC 8-1-2 to adopt a particular rule or issue a particular order without the necessity of a hearing; or

(C) after receiving notice of the commission's proposed action, all parties to a proceeding consent to the commission taking action without a hearing; and

(2) must be:

(A) consistent with this chapter; and

(B) in the public interest, as determined by the commission under subsection (d).

(c) Rules and orders described in this section must promote one (1) or more of the following:

(1) Cost minimization for providers to the extent that a provider's quality of service and facilities are not diminished.

(2) A more accurate evaluation by the commission of a provider's physical or financial conditions or needs as well as a less costly regulatory procedure for either the provider, the provider's customers, or the commission.

(3) Consumer access to affordable basic telecommunications service.

(4) Development of depreciation guidelines and procedures that recognize technological obsolescence.

(5) Increased provider management efficiency beneficial to

customers.

(6) Regulation consistent with a competitive environment.

(d) In determining whether the public interest will be served, as required under subsection (b), the commission shall consider:

(1) whether technological change, competitive forces, or regulation by other state and federal regulatory bodies render the exercise of jurisdiction by the commission unnecessary or wasteful;

(2) whether the exercise of commission jurisdiction produces tangible benefits to the customers of providers; and

(3) whether the exercise of commission jurisdiction inhibits a regulated entity from competing with unregulated providers of functionally similar telecommunications services or equipment.

~~(e) This section does not affect the commission's authority under IC 8-1-2-5.~~

SECTION 3. IC 8-1-2.6-13, AS AMENDED BY P.L.256-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) As used in this section, "communications service" has the meaning set forth in IC 8-1-32.5-3.

(b) As used in this section, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

(c) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the commission may do the following, except as otherwise provided in this subsection:

(1) Enforce the terms of a settlement agreement approved by the commission before July 29, 2004. The commission's authority under this subdivision continues for the duration of the settlement agreement.

(2) Fulfill the commission's duties under IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.

(3) Fulfill the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and

referrals.

(4) Fulfill the commission's responsibilities under IC 8-1-29 to adopt and enforce rules to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(5) Fulfill the commission's obligations under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(6) Perform any of the functions described in section 1.5(b) of this chapter.

(7) Perform the commission's responsibilities under IC 8-1-32.5 to:

(A) issue; and

(B) maintain records of;

certificates of territorial authority for communications service providers offering communications service to customers in Indiana.

(8) Perform the commission's responsibilities under IC 8-1-34 concerning the issuance of certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(9) Require a communications service provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332), to report to the commission on an annual basis, or more frequently at the option of the provider, and subject to section 4(f) of this chapter, any information needed by the commission to prepare the commission's report to the regulatory flexibility committee under section 4 of this chapter.

(10) Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the

extent of the authority delegated to the commission under federal law to perform those duties.

~~(11) Perform the commission's duties under IC 8-1-2-5 with respect to interconnection.~~

~~(12)~~ **(11)** Collect and maintain from a communications service provider the following information:

(A) The address of the provider's Internet web site.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's Internet web site. The commission may also make available on the commission's Internet web site contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

~~(13)~~ **(12)** Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(d) The commission does not have jurisdiction over any of the following with respect to a communications service provider:

(1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.

(2) Depreciation schedules for any of the classes of property owned by the communications service provider.

(3) Quality of service provided by the communications service provider.

(4) Long term financing arrangements or other obligations of the communications service provider.

(5) Except as provided in subsection (c), any other aspect regulated by the commission under this title before July 1, 2009.

(e) The commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

(1) expressly granted by state or federal law, including:

(A) a state or federal statute;

(B) a lawful order or regulation of the Federal Communications Commission; or

(C) an order or a ruling of a state or federal court having jurisdiction; or

(2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.

SECTION 4. IC 8-1-2.6-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16. (a) As used in this section, "payphone service provider" means an entity, other than an incumbent local exchange carrier, that owns and operates:~~

~~(1) public or semipublic pay telephones; or~~

~~(2) pay telephones used to provide telephone service in correctional institutions.~~

~~(b) Notwithstanding any other statute, the commission shall retain jurisdiction to establish just and reasonable rates that may be charged by an incumbent local exchange carrier to a payphone service provider. Rates established under this section must be:~~

~~(1) based on the costs incurred by the incumbent local exchange carrier to provide the service;~~

~~(2) consistent with the requirements of 47 U.S.C. 276;~~

~~(3) nondiscriminatory; and~~

~~(4) consistent with the pricing guidelines for payphone service providers established by the Federal Communications Commission.~~

SECTION 5. IC 22-13-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this section, "NFPA 72" refers to NFPA 72, National Fire Alarm and Signaling Code, 2010 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.**

(b) It is the intent of the general assembly that NFPA 72, as may be amended by the commission under subsection (c), be incorporated into the Indiana Administrative Code. Not later than July 1, 2014, the commission shall adopt rules under IC 4-22-2 to amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative Code, subject to subsection (c)(1) and (c)(2). The

commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to comply with this subsection. An emergency rule adopted by the commission under IC 4-22-2-37.1 to comply with this subsection expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

(c) In adopting rules to incorporate NFPA 72 into the Indiana Administrative Code, as required by subsection (b), the commission may amend NFPA 72 as the commission considers appropriate. However, the rules finally adopted by the commission to comply with this section must do the following:

(1) Incorporate the definition of, and associated requirements for:

(A) a managed facilities-based voice network (MFVN); and

(B) a public switched telephone network (PSTN);

as set forth in NFPA 72.

(2) Allow digital alarm communicator systems that make use of a managed facilities-based voice network (MFVN) to transmit signals from a fire alarm system to an offsite monitoring facility, subject to the requirements for those systems set forth in NFPA 72.

(d) If the commission does not comply with subsection (b), the following apply on July 1, 2014:

(1) The definition of, and associated requirements for:

(A) a managed facilities-based voice network (MFVN); and

(B) a public switched telephone network (PSTN);

as set forth in NFPA 72, are considered incorporated into the Indiana Administrative Code. Any provisions of 675 IAC 28-1-28 (or any rules adopted by a state agency, or any ordinances or other regulations adopted by a political subdivision) that conflict with the definitions and requirements described in this subdivision are superseded by the definitions and requirements described in this subdivision. This subdivision continues to apply until the commission adopts rules that amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative Code and that comply with subsection (c)(1) and (c)(2).

(2) A person that after June 30, 2014, installs or uses a digital alarm communicator system that:

(A) makes use of a managed facilities-based voice network (MFVN) to transmit signals from a fire alarm system to an offsite monitoring facility; and

(B) meets the requirements for such a system set forth in NFPA 72;

is not required to obtain a variance from the commission under section 11 of this chapter for the installation or use.

SECTION 6. IC 36-8-16.6-11, AS AMENDED BY P.L.132-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this section may not exceed one-half (1/2) of the monthly wireless emergency enhanced 911 fee assessed under IC 36-8-16.5-25.5 (before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents ($0.50).

(b) Subject to legislative approval, after the increase described in subsection (a) and after June 30, 2012, the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7.

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

(d) This subsection applies to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. A provider:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (c); and

(2) is liable for the enhanced prepaid wireless charge imposed under this section with respect to prepaid wireless telecommunications service provided by the provider in its capacity as an eligible telecommunications carrier.

SECTION 7. IC 36-8-16.7-32, AS ADDED BY P.L.132-2012,

SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that:

(1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and

(2) provides for the proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is ninety cents ($0.90).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

(1) The fee may not be raised or lowered more than one (1) time in a calendar year.

(2) The fee:

(A) may not be raised by an amount that is less than or equal to ten cents ($0.10) without review by the budget committee; and

(B) may not be raised or lowered by an amount that is more than ten cents ($0.10) without legislative approval.

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through

a wireless data only service plan.

(f) This subsection applies to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. A provider:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (e); and

(2) is liable for the monthly statewide 911 fee assessed under subsection (a) with respect to communications service provided by the provider in its capacity as an eligible telecommunications carrier.

SECTION 8. **An emergency is declared for this act.**

P.L.108-2014

[S.397. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) As used in this section, "child" includes any of the following:**

(1) An individual who is less than eighteen (18) years of age.

(2) An individual who is at least eighteen (18) years of age and either:

(A) continues to be enrolled in a kindergarten through grade 12 school; or

(B) has a developmental disability.

(b) The office shall reimburse a nursing facility for a specialized

or nonstandard wheelchair for a child recipient who resides in a nursing facility at a rate outside the nursing facility's per diem payment for nursing facility services, regardless of whether the child recipient is determined by the office to be rehabilitative.

(c) The office may require prior authorization for reimbursement under this section.

P.L.109-2014
[S.406. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 5-11-5.5-2, AS ADDED BY P.L.222-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section does not apply to:

(1) a claim, record, or statement concerning income tax (IC 6-3); **or**

(2) a claim, request, demand, statement, record, act, or omission made or submitted after June 30, 2014, in relation to the Medicaid program described in IC 12-15.

(b) A person who knowingly or intentionally:

(1) presents a false claim to the state for payment or approval;

(2) makes or uses a false record or statement to obtain payment or approval of a false claim from the state;

(3) with intent to defraud the state, delivers less money or property to the state than the amount recorded on the certificate or receipt the person receives from the state;

(4) with intent to defraud the state, authorizes issuance of a receipt without knowing that the information on the receipt is true;

(5) receives public property as a pledge of an obligation on a debt

from an employee who is not lawfully authorized to sell or pledge the property;

(6) makes or uses a false record or statement to avoid an obligation to pay or transmit property to the state;

(7) conspires with another person to perform an act described in subdivisions (1) through (6); or

(8) causes or induces another person to perform an act described in subdivisions (1) through (6);

is, except as provided in subsection (c), liable to the state for a civil penalty of at least five thousand dollars ($5,000) and for up to three (3) times the amount of damages sustained by the state. In addition, a person who violates this section is liable to the state for the costs of a civil action brought to recover a penalty or damages.

(c) If the factfinder determines that the person who violated this section:

(1) furnished state officials with all information known to the person about the violation not later than thirty (30) days after the date on which the person obtained the information;

(2) fully cooperated with the investigation of the violation; and

(3) did not have knowledge of the existence of an investigation, a criminal prosecution, a civil action, or an administrative action concerning the violation at the time the person provided information to state officials;

the person is liable for a penalty of not less than two (2) times the amount of damages that the state sustained because of the violation. A person who violates this section is also liable to the state for the costs of a civil action brought to recover a penalty or damages.

SECTION 2. IC 5-11-5.7-1, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter applies only to claims, requests, demands, statements, records, acts, and omissions made or submitted in relation to the Medicaid program described in IC 12-15. **Sections 3 through 18 of this chapter apply to claims, requests, demands, statements, records, acts, and omissions made or submitted in relation to the Medicaid program described in IC 12-15 in violation of IC 5-11-5.5-2 or IC 5-11-5.7-2.**

(b) The following definitions apply throughout this chapter:

(1) "Claim" means a request or demand for money or property,

whether under a contract or otherwise, and whether or not the state has title to the money or property, that:

(A) is presented to an officer, employee, or agent of the state; or

(B) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the state's behalf or to advance a state program or interest, and if the state:

(i) provides or has provided any part of the money or property that is requested or demanded; or

(ii) will reimburse the contractor, grantee, or other recipient for any part of the money or property that is requested or demanded.

(2) ~~"Documentary material"~~ **"Document", "electronically stored information", or "tangible thing" includes:** ~~means:~~

(A) ~~the original or a copy of a book, record, report, memorandum, paper, communication, tabulation, chart, or other document;~~ **a writing, a drawing, a graph, a chart, a photograph, a sound recording, or an image;**

(B) **other data or** a data compilation stored in **any medium from which information can be obtained either directly** or ~~accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret the data compilations;~~ **after translation by the responding party into a reasonably usable form;** ~~and~~

(C) any tangible thing; and

~~(C)~~ **(D)** a product of discovery.

(3) "Investigation" means an inquiry conducted by an investigator to ascertain whether a person is or has been engaged in a violation of this chapter.

(4) "Knowing", "knowingly", or "known" means that a person, regarding information:

(A) has actual knowledge of the information;

(B) acts in deliberate ignorance of the truth or falsity of the information; or

(C) acts in reckless disregard of the truth or falsity of the information;

and requires no proof of specific intent to defraud.

(5) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(6) "Obligation" means an established duty, whether or not the duty is fixed, arising from:

(A) an express or implied contractual relationship;

(B) a grantor-grantee relationship;

(C) a licensor-licensee relationship;

(D) a fee-based or similar relationship;

(E) a statute;

(F) a rule or regulation; or

(G) the retention of an overpayment.

(7) "Person" includes a natural person, a corporation, a firm, an association, an organization, a partnership, a limited liability company, a business, or a trust.

(8) "Product of discovery" means the original or duplicate of:

(A) a deposition;

(B) an interrogatory;

(C) a document;

(D) a thing;

(E) a result of the inspection of land or other property; or

(F) an examination or admission;

that is obtained by any method of discovery in a judicial or an administrative proceeding of an adversarial nature. The term includes a digest, an analysis, a selection, a compilation, a derivation, an index, or another method of accessing an item listed in this subdivision. **The term also includes electronically stored information.**

(9) "State" means Indiana or any agency of state government. The term does not include a political subdivision.

SECTION 3. IC 5-11-5.7-2, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~(a) This section does not apply to a claim, record, or statement concerning income tax (IC 6-3).~~

~~(b)~~ **(a)** A person who:

(1) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false

record or statement that is material to a false or fraudulent claim;

(3) has possession, custody, or control of property or money used, or to be used, by the state, and knowingly delivers, or causes to be delivered, less than all of the money or property;

(4) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state and, with intent to defraud the state, authorizes issuance of a receipt without knowing that the information on the receipt is true;

(5) knowingly buys or receives, as a pledge of an obligation or debt, public property from an employee who is not lawfully authorized to sell or pledge the property;

(6) knowingly:

(A) makes, uses, or causes to be made or used, a false record or statement concerning an obligation to pay or transmit money or property to the state; or

(B) conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the state;

(7) conspires with another person to perform an act described in subdivisions (1) through (6); or

(8) causes or induces another person to perform an act described in subdivisions (1) through (6);

is, except as provided in subsection ~~(c)~~ **(b),** liable to the state for a civil penalty of at least five thousand five hundred dollars ($5,500) and not more than eleven thousand dollars ($11,000), as adjusted by the federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note, Public Law 101-410), and for up to three (3) times the amount of damages sustained by the state. In addition, a person who violates this section is liable to the state for the costs of a civil action brought to recover a penalty or damages.

~~(c)~~ **(b)** If the factfinder determines that the person who violated this section:

(1) furnished state officials with all information known to the person about the violation not later than thirty (30) days after the date on which the person obtained the information;

(2) fully cooperated with the investigation of the violation; and

(3) did not have knowledge of the existence of an investigation, a criminal prosecution, a civil action, or an administrative action concerning the violation at the time the person provided

information to state officials;

the person is liable for a penalty of not less than two (2) times the amount of damages that the state sustained because of the violation. A person who violates this section is also liable to the state for the costs of a civil action brought to recover a penalty or damages.

SECTION 4. IC 5-11-5.7-3, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The:

(1) attorney general; and

(2) inspector general;

have concurrent jurisdiction to investigate a violation of section 2 of this chapter.

(b) If the attorney general discovers a violation of section 2 of this chapter, the attorney general may bring a civil action under this chapter against a person who may be liable for the violation.

(c) If the inspector general discovers a violation of section 2 of this chapter, the inspector general shall certify this finding to the attorney general. The attorney general may bring a civil action under this chapter against a person who may be liable for the violation.

(d) If the attorney general or the inspector general is served by a person who has filed a civil action under section 4 of this chapter, the attorney general has the authority to intervene in that action as set forth in section 4 of this chapter.

(e) If the attorney general:

(1) is disqualified from investigating a possible violation of section 2 of this chapter;

(2) is disqualified from bringing a civil action concerning a possible violation of section 2 of this chapter;

(3) is disqualified from intervening in a civil action brought under section 4 of this chapter concerning a possible violation of section 2 of this chapter;

(4) elects not to bring a civil action concerning a possible violation of section 2 of this chapter; or

(5) elects not to intervene under section 4 of this chapter;

the attorney general shall certify the attorney general's disqualification or election to the inspector general.

(f) If the attorney general has certified the attorney general's disqualification or election not to bring a civil action or intervene in a

case under subsection (e), the inspector general has authority to:

(1) bring a civil action concerning a possible violation of section 2 of this chapter; or

(2) intervene in a case under section 4 of this chapter.

(g) The attorney general shall certify to the inspector general the attorney general's disqualification or election under subsection (e) in a timely fashion, and in any event not later than:

(1) sixty (60) days after being served, if the attorney general has been served by a person who has filed a civil action under section 4 of this chapter; or

(2) one hundred eighty (180) days before the expiration of the statute of limitations, if the attorney general has not been served by a person who has filed a civil action under section 4 of this chapter.

~~(h) A civil action brought under section 4 of this chapter may be filed in:~~

~~(1) a circuit or superior court in Marion County; or~~

~~(2) a circuit or superior court in the county in which a defendant or plaintiff resides.~~

~~(i)~~ **(h)** The state is not required to file a bond under this chapter.

SECTION 5. IC 5-11-5.7-4, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person may bring a civil action for a violation of section 2 of this chapter on behalf of the person and on behalf of the state. The action:

(1) must be brought in the name of the state; and

(2) may be filed in **any court with jurisdiction.** ~~a circuit or superior court in:~~

~~(A) the county in which the person resides;~~

~~(B) the county in which a defendant resides; or~~

~~(C) Marion County.~~

(b) ~~Except as provided in section 5 of this chapter,~~ An action brought under this section may be dismissed **voluntarily by the person bringing the action** only if:

(1) **the person obtains the prior written consent of** the attorney general or the inspector general, if applicable; ~~files a written motion to dismiss explaining why dismissal is appropriate;~~ and

(2) the court issues an order:

(A) granting the motion; and

(B) explaining the court's reasons for granting the motion.

(c) A person who brings an action under this section shall serve:

(1) a copy of the complaint; and

(2) a written disclosure that describes all relevant material evidence and information the person possesses;

on both the attorney general and the inspector general. The person shall file the complaint under seal, and the complaint shall remain under seal for at least sixty (60) days. The complaint shall not be served on the defendant until the court orders the complaint served on the defendant following the intervention or the election not to intervene of the attorney general or the inspector general. The state may elect to intervene and proceed with the action not later than sixty (60) days after it receives both the complaint and the written disclosure.

(d) For good cause shown, the attorney general or the inspector general may move the court to extend the time during which the complaint must remain under seal. A motion for extension may be supported by an affidavit or other evidence. The affidavit or other evidence may be submitted in camera.

(e) Before the expiration of the time during which the complaint is sealed, the attorney general or the inspector general may:

(1) intervene in the case and proceed with the action, in which case the attorney general or the inspector general shall conduct the action; or

(2) elect not to proceed with the action, in which case the person who initially filed the complaint may proceed with the action.

(f) The defendant in an action filed under this section is not required to answer the complaint until twenty-one (21) days after the complaint has been unsealed and served on the defendant.

(g) After a person has filed a complaint under this section, no person other than the attorney general or the inspector general may:

(1) intervene; or

(2) bring another action based on the same facts.

(h) If the person who initially filed the complaint:

(1) planned and initiated the violation of section 2 of this chapter; or

(2) has been convicted of a crime related to the person's violation of section 2 of this chapter;

upon motion of the attorney general or the inspector general, the court shall dismiss the person as a plaintiff.

SECTION 6. IC 5-11-5.7-5, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) If the attorney general or the inspector general intervenes in an action under section 4 of this chapter, the attorney general or the inspector general is responsible for prosecuting the action and is not bound by an act of the person who initially filed the complaint. The attorney general or the inspector general may do the following:

(1) File a complaint.

(2) Amend the complaint of a person who has brought an action under section 4 of this chapter, to:

(A) clarify or add detail to the claims in which the state is intervening; or

(B) add additional claims to which the state contends the state is entitled to relief.

(3) Move for a change of venue to Marion County if the attorney general or the inspector general files a motion for change of venue not later than ten (10) days after the attorney general or the inspector general intervenes.

For statute of limitation purposes, a pleading filed by the attorney general or the inspector general relates back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the state arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the original filed complaint. Except as provided in this section, the person who initially filed the complaint may continue as a party to the action.

(b) With the approval of the court, the attorney general or the inspector general may dismiss the action after:

(1) notifying the person who initially filed the complaint; and

(2) the court has conducted a hearing at which the person who initially filed the complaint was provided the opportunity to be heard on the motion.

The court may consider a request by the attorney general or the inspector general to dismiss the action but is not bound by the request. Additionally, the court may permit the attorney general or inspector general to ~~be dismissed from~~ **withdraw his or her appearance in** the

case and may permit the person who initially filed the complaint to continue to prosecute the action **in the name of the state.**

(c) The attorney general or the inspector general may settle the action if a court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable in light of the circumstances. Upon a showing of good cause, the court may:

(1) conduct the settlement hearing in camera; or

(2) lift all or part of the seal to facilitate the investigative process or settlement.

The court may consider an objection to the settlement brought by the person who initially filed the complaint, but is not bound by this objection.

(d) Upon a showing by the attorney general, the inspector general, or the defendant that unrestricted participation by the person who initially filed the complaint:

(1) will interfere with or unduly delay the prosecution of the case by the attorney general or the inspector general;

(2) will involve the presentation of repetitious or irrelevant evidence, or evidence introduced for purposes of harassment; or

(3) will cause the defendant to suffer undue burden or unnecessary expense;

the court may impose reasonable limitations on the person's participation, including a limit on the number of witnesses that the person may call, a limit to the length of testimony that the person's witness may present, a limit to the person's cross-examination of a witness, or otherwise limit the participation by the person in the litigation.

(e) If the attorney general or the inspector general elects not to intervene in the action, the person who initially filed the complaint has the right to prosecute the action. Upon request, the attorney general or the inspector general shall be served with copies of all documents filed in the action and may obtain a copy of depositions and other transcripts at the state's expense.

(f) If the attorney general and the inspector general have elected not to intervene in an action in accordance with section 4 of this chapter, upon a showing of good cause, a court may permit either the attorney general or the inspector general to intervene at a later time. The attorney general may move to intervene at any time. If the attorney

general has not moved to intervene, the inspector general may move to intervene by providing written notice to the attorney general of the inspector general's intent to intervene. If the attorney general does not move to intervene earlier than fifteen (15) days after receipt of the notice of intent to intervene, the inspector general may move to intervene. If the attorney general or the inspector general intervenes under this subsection, the attorney general or the inspector general is responsible for prosecuting the action as if the attorney general or the inspector general had intervened in accordance with section 4 of this chapter.

(g) If the attorney general or inspector general shows that a specific discovery action by the person who initially filed the complaint will interfere with the investigation or prosecution of a civil or criminal matter arising out of the same facts, the court may, following a hearing in camera, stay discovery for not more than sixty (60) days. After the court has granted a sixty (60) day stay, the court may extend the stay, following a hearing in camera, if it determines that the state has pursued the civil or criminal investigation with reasonable diligence and that a specific discovery action by the person who initially filed the complaint will interfere with the state's investigation or prosecution of the civil or criminal matter.

(h) A court may dismiss an action brought under this chapter to permit the attorney general or the inspector general to pursue its claim through an alternative proceeding, including an administrative proceeding or a proceeding brought in another jurisdiction. The person who initially filed the complaint has the same rights in the alternative proceedings as the person would have had in the original proceedings. A finding of fact or conclusion of law made in the alternative proceeding is binding on all parties to an action under this section once the determination made in the alternative proceeding is final under the rules, regulations, statutes, or law governing the alternative proceeding, or if the time for seeking an appeal or review of the determination made in the alternative proceeding has elapsed.

SECTION 7. IC 5-11-5.7-6, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The person who initially filed the complaint is entitled to the following amounts if the state prevails in the action:

(1) Except as provided in subdivision (2), if the attorney general

or the inspector general intervened in the action, the person is entitled to receive at least fifteen percent (15%) and not more than twenty-five percent (25%) of the proceeds of the action or settlement, plus reasonable attorney's fees and an amount to cover the expenses and costs of bringing the action.

(2) If the attorney general or the inspector general intervened in the action and the court finds that the evidence used to prosecute the action consisted primarily of specific information, other than information provided by the person bringing the action, contained in:

(A) a transcript of a criminal, a civil, or an administrative hearing;

(B) a legislative, an administrative, or another public **state** report, hearing, audit, or investigation; or

(C) a news media report;

the person is entitled to receive not more than ten percent (10%) of the proceeds of the action or settlement, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation, plus reasonable attorney's fees and an amount to cover the expenses and costs of bringing the action.

(3) If the attorney general or the inspector general did not intervene in the action, the person is entitled to receive at least twenty-five percent (25%) and not more than thirty percent (30%) of the proceeds of the action or settlement, plus reasonable attorney's fees and an amount to cover the expenses and costs of bringing the action.

(4) If the person who initially filed the complaint:

(A) planned and initiated the violation of section 2 of this chapter; or

(B) has been convicted of a crime related to the person's violation of section 2 of this chapter;

the person is not entitled to an amount under this section.

After conducting a hearing at which the attorney general or the inspector general and the person who initially filed the complaint may be heard, the court shall determine the specific amount to be awarded under this section to the person who initially filed the complaint. The award of reasonable attorney's fees plus an amount to cover the

expenses and costs of bringing the action is an additional cost assessed against the defendant and may not be paid from the proceeds of the civil action.

(b) If:

(1) the attorney general or the inspector general did not intervene in the action; and

(2) the defendant prevails;

the court may award the defendant reasonable attorney's fees plus an amount to cover the expenses and costs of defending the action, if the court finds that the action is frivolous, vexatious, or brought primarily for purposes of harassment.

(c) The state is not liable for the expenses, costs, or attorney's fees of a party to an action brought under this chapter.

SECTION 8. IC 5-11-5.7-7, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to an action brought by:

(1) the attorney general;

(2) the inspector general;

(3) a prosecuting attorney; or

(4) a state employee in the employee's official capacity.

(b) A court does not have jurisdiction over an action brought under section 4 of this chapter if the action is brought by an incarcerated offender, including an offender incarcerated in another jurisdiction.

(c) A court does not have jurisdiction over an action brought under section 4 of this chapter against the state, a state officer, a judge (as defined in IC 33-23-11-7), a justice, a member of the general assembly, a state employee, or an employee of a political subdivision, if the action is based on information known to the state at the time the action was brought.

(d) A court does not have jurisdiction over an action brought under section 4 of this chapter if the action is based upon an act that is the subject of a civil suit, a criminal prosecution, or an administrative proceeding in which the state is a party.

(e) A court does not have jurisdiction over an action **or claim** brought under section 4 of this chapter if the action **or claim** is based upon information contained in:

(1) a transcript of a criminal, a civil, or an administrative hearing

in which the state or the state's agent is a party;

(2) a legislative, an administrative, or another public state report, hearing, audit, or investigation; or

(3) a news media report;

unless the person bringing the action either, before a public disclosure under this section voluntarily discloses to the state the information on which the allegations or transactions in a claim are based, or has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and the person bringing the action has voluntarily provided this information to the state before an action is filed under section 4 of this chapter.

(f) In determining whether a prior public disclosure bars a court from exercising jurisdiction over an action brought under section 4 of this chapter, the court shall consider, but is not bound by, any objection brought by the attorney general or the inspector general.

SECTION 9. IC 5-11-5.7-8, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) An employee, contractor, or agent who has been discharged, demoted, suspended, threatened, harassed, or otherwise discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others to:

(1) object to or otherwise stop an act or omission described in section 2 of this chapter; ~~or~~

(2) initiate, testify, assist, or participate in an investigation, an action, or a hearing; ~~under this chapter;~~ **or**

(3) perform any other lawful act in furtherance of other efforts to stop one (1) or more violations under this chapter;

is entitled to all relief necessary to make the employee, contractor, or agent whole.

(b) Relief under this section must include:

(1) reinstatement with the same seniority status the employee, contractor, or agent would have had but for the act described in subsection (a);

(2) two (2) times the amount of back pay;

(3) interest on the back pay; and

(4) compensation for any special damages sustained as a result of the act described in subsection (a), including costs and expenses

of litigation and reasonable attorney's fees.

(c) An employee, **contractor, or agent** may bring an action for the relief provided in this section in any court with jurisdiction.

(d) A civil action under this section may not be brought more than three (3) years after the date the retaliation occurred.

SECTION 10. IC 5-11-5.7-9, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A subpoena requiring the attendance of a witness at a trial or hearing conducted under this chapter may be served at any place in Indiana.

(b) A civil action under section 4 of this chapter is barred unless it is commenced:

(1) not later than six (6) years after the date on which the violation is committed; or

(2) not later than three (3) years after the date when facts material to the cause of action are known or reasonably should have been known by a state officer or employee who is responsible for addressing the false claim, ~~However, an action is barred unless it is commenced not~~ **but in no event** later than ten (10) years after the date on which the violation is committed, **whichever occurs later.**

(c) In a civil action brought under this chapter, the state is required to establish:

(1) the essential elements of the offense; and

(2) damages;

by a preponderance of the evidence.

(d) If a defendant has been convicted (including a plea of guilty or nolo contendere) of a crime involving fraud or a false statement, the defendant is estopped from denying the elements of the offense in a civil action brought under section 4 of this chapter that involves the same transaction as the criminal prosecution.

SECTION 11. IC 5-11-5.7-10, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Whenever the attorney general, the inspector general, or the designee of the attorney general or the inspector general has reason to believe that a person may be in possession, custody, or control of documentary material, **electronically stored information, a tangible thing,** or information relevant to an

investigation under this chapter involving a false claim, the attorney general, the inspector general, or the designee of the attorney general or inspector general may, before commencing a civil proceeding under this chapter, issue and serve a civil investigative demand requiring the person to do one (1) or more of the following:

(1) Produce the documentary material, **electronically stored information, or tangible thing** for inspection and copying.

(2) Answer an interrogatory in writing concerning the documentary material, **electronically stored information, tangible thing,** or information.

(3) Give oral testimony concerning the documentary material, **electronically stored information, tangible thing,** or information.

(4) Furnish any combination of material, other evidence, answers, or testimony.

(b) If a civil investigative demand is a specific demand for a product of discovery, the official issuing the civil investigative demand shall:

(1) serve a copy of the civil investigative demand on the person from whom the discovery was obtained; and

(2) notify the person to whom the civil investigative demand is issued of the date of service.

SECTION 12. IC 5-11-5.7-14, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The production of documentary material in response to a civil investigative demand served under this chapter shall be made in accordance with ~~Trial Rule 34~~ **the rules of civil procedure concerning the production of documents, electronically stored information, and tangible things.**

(b) Each interrogatory in a civil investigative demand served under this chapter shall be answered in accordance with ~~Trial Rule 33.~~ **the rules of civil procedure concerning interrogatories.**

(c) The examination of a person under a civil investigative demand for oral testimony served under this chapter shall be conducted in accordance with ~~Trial Rule 30.~~ **the rules of civil procedure concerning oral depositions.**

SECTION 13. IC 5-11-5.7-16, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person who has failed to comply with a

civil investigative demand is subject to sanctions under ~~Trial Rule 37~~ **the rules of civil procedure** to the same extent as a person who has failed to cooperate in discovery.

(b) A person who objects to a civil investigative demand issued under this chapter may seek a protective order in accordance with ~~Trial Rule 26(C).~~ **the rules of civil procedure.**

SECTION 14. IC 5-11-5.7-18, AS ADDED BY P.L.197-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. Proceedings under this chapter are governed by the Indiana Rules of Trial Procedure **if the proceedings are held in state court, and by the Federal Rules of Civil Procedure if the proceedings are held in federal court.** ~~unless the Indiana Rules of Trial Procedure are inconsistent with this chapter.~~

SECTION 15. IC 12-8-1.5-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) The office of the secretary is designated as the single state agency for administration of the state Medicaid program under IC 12-15.**

(b) The office of the secretary shall develop and coordinate Medicaid policy for the state.

SECTION 16. IC 12-8-6.5-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3. The office is designated as the single state agency for administration of the state Medicaid program under IC 12-15.~~

SECTION 17. IC 12-8-6.5-4, AS ADDED BY P.L.160-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Under the direction of the secretary,** the office shall develop and coordinate Medicaid policy for the state.

SECTION 18. IC 12-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The office ~~of Medicaid policy and planning~~ **of the secretary** shall administer the Medicaid program under 42 U.S.C. 1396 et seq.

SECTION 19. IC 12-15-13-0.4, AS ADDED BY P.L.117-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. As used in this chapter, "office" includes the following:

(1) The office of ~~Medicaid policy and planning.~~ **the secretary of family and social services.**

(2) A managed care organization that has contracted with the

office of Medicaid policy and planning under this article.

(3) A person that has contracted with a managed care organization described in subdivision (2).

SECTION 20. **An emergency is declared for this act.**

P.L.110-2014
[S.408. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-244.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 244.8. "Neonatal abstinence syndrome" and "NAS", for purposes of IC 16-19-16, refer to the various adverse effects that occur in a newborn infant who was exposed to addictive illegal or prescription drugs while in the mother's womb.**

SECTION 2. IC 16-19-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Neonatal Abstinence Syndrome (NAS)

Sec. 1. The state department shall meet with representatives of at least the following associations to study and make recommendations on issues concerning Neonatal Abstinence Syndrome (NAS):

(1) The Indiana Hospital Association.

(2) The Indiana Perinatal Network.

(3) The Indiana State Medical Association.

(4) The Indiana Chapter of the American Academy of Pediatrics.

(5) The Indiana Section of the American Congress of

Obstetricians and Gynecologists.

(6) The Indiana Chapter of the March of Dimes.

Sec. 2. (a) Before November 1, 2014, the state department, in consultation with the persons described in section 1 of this chapter, shall report the following to the legislative council in an electronic format under IC 5-14-6 for distribution to the appropriate interim study committee:

(1) The appropriate standard clinical definition of "Neonatal Abstinence Syndrome".

(2) The development of a uniform process of identifying Neonatal Abstinence Syndrome.

(3) The estimated time and resources needed to educate hospital personnel in implementing an appropriate and uniform process for identifying Neonatal Abstinence Syndrome.

(4) The identification and review of appropriate data reporting options available for the reporting of Neonatal Abstinence Syndrome data to the state department, including recommendations for reporting of Neonatal Abstinence Syndrome using existing data reporting options or new data reporting options.

(5) The identification of whether payment methodologies for identifying Neonatal Abstinence Syndrome and the reporting of Neonatal Abstinence Syndrome data are currently available or needed.

(b) Before June 1, 2015, the state department may establish one (1) or more pilot programs with hospitals that consent to participate in the pilot programs to implement appropriate and effective models for Neonatal Abstinence Syndrome identification, data collection, and reporting determined under this chapter.

SECTION 3. **An emergency is declared for this act.**

P.L.111-2014
[S.420. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. "Assessment date" means

~~(1) March 1 for all tangible property except mobile homes, as defined in IC 6-1.1-7-1.~~

~~(2) January 15 for mobile homes as defined in IC 6-1.1-7-1.~~ **the date on which tangible property is assessed and valued for purposes of collecting ad valorem property taxes imposed for that date. The term refers to the date specified in IC 6-1.1-2-1.5.**

SECTION 2. IC 6-1.1-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. "Filing date", ~~means May 15th.~~ **for purposes of IC 6-1.1-3 and IC 6-1.1-16-1, has the meaning set forth in IC 6-1.1-3-1.5.**

SECTION 3. IC 6-1.1-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. (a) Except as provided in subsection (b), the annual assessment date for tangible property is:**

(1) March 1 in a year ending before January 1, 2016; and

(2) January 1 in a year beginning after December 31, 2015.

(b) This subsection applies to mobile homes (including manufactured homes) subject to assessment under IC 6-1.1-7. Mobile homes are assessed in the year following the year containing the related assessment date for other property. The annual assessment date for mobile homes is:

(1) January 15 in a year ending before January 1, 2017; and

(2) January 1 in a year beginning after December 31, 2016.

SECTION 4. IC 6-1.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** All tangible property which is subject to assessment shall be assessed on a just valuation basis and in a uniform and equal manner.

(b) Personal property which is subject to assessment and taxation shall be assessed annually in the manner prescribed in this article.

(c) Real property which is subject to assessment and taxation shall be assessed in the manner and at the times prescribed in this article.

(d) This section applies to assessment dates described in section 1.5(a)(2) and 1.5(b)(2) of this chapter. The true tax value of tangible property that is subject to assessment in a year shall be determined as of the assessment date in that year. Except as otherwise expressly provided by law enacted after July 1, 2014, a change in use, value, character, or ownership of tangible property after an assessment date shall not be considered in determining the true tax value of the tangible property for that assessment date.

SECTION 5. IC 6-1.1-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "filing date" refers to the day in a year on which a personal property tax return is due for a particular assessment date in that year (disregarding any extension period that may be granted for the filing of the return and any period in which an amended return may be filed). The filing date is May 15.**

SECTION 6. IC 6-1.1-3-7.5, AS AMENDED BY P.L.172-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) A taxpayer may file an amended personal property tax return, in conformity with the rules adopted by the department of local government finance, not more than six (6) months, if the filing date for the original personal property tax return is before May 15, 2011, or twelve (12) months, if the filing date for the original personal property tax return is after May 14, 2011, after the later of the following:

(1) The filing date for the original personal property tax return, if the taxpayer is not granted an extension in which to file under section 7 of this chapter.

(2) The extension date for the original personal property tax return, if the taxpayer is granted an extension under section 7 of

this chapter.

(b) A tax adjustment related to an amended personal property tax return shall be made in conformity with rules adopted under IC 4-22-2 by the department of local government finance.

(c) If a taxpayer wishes to correct an error made by the taxpayer on the taxpayer's original personal property tax return, the taxpayer must file an amended personal property tax return under this section within the time required by subsection (a). A taxpayer may claim on an amended personal property tax return any adjustment or exemption that would have been allowable under any statute or rule adopted by the department of local government finance if the adjustment or exemption had been claimed on the original personal property tax return.

(d) Notwithstanding any other provision, if:

(1) a taxpayer files an amended personal property tax return under this section in order to correct an error made by the taxpayer on the taxpayer's original personal property tax return; and

(2) the taxpayer is entitled to a refund of personal property taxes paid by the taxpayer under the original personal property tax return;

the taxpayer is not entitled to interest on the refund.

(e) If a taxpayer files an amended personal property tax return for **an assessment date in** a year, ~~before July 16 of that year,~~ the taxpayer shall pay taxes payable in the immediately succeeding year based on the assessed value reported on the amended return **as follows:**

(1) If the assessment date occurs in a year ending before January 1, 2016, the taxpayer shall pay taxes based on the assessed values reported on an amended return only if the amended return is filed on or before July 15 of that year.

(2) If the assessment date occurs in a year ending after December 31, 2015, the taxpayer shall pay taxes based on the assessed values reported on the amended return only if the amended return is filed on or before April 1 of that year.

(f) If a taxpayer files an amended personal property tax return for **an assessment date in** a year after July 15 of that year **for an assessment date in a year ending before January 1, 2016, and after April 1 of that year for an assessment date in a year beginning after December 31, 2015,** the taxpayer shall pay taxes payable in the immediately succeeding year based on the assessed value reported on

the taxpayer's original personal property tax return. Subject to subsection (l), a taxpayer that paid taxes under this subsection is entitled to a credit in the amount of taxes paid by the taxpayer on the remainder of:

(1) the assessed value reported on the taxpayer's original personal property tax return; minus

(2) the finally determined assessed value that results from the filing of the taxpayer's amended personal property tax return.

Except as provided in subsection (k), the county auditor may apply the credit against the taxpayer's property taxes on personal property payable in the year or years that immediately succeed the year in which the taxes were paid, as applicable. The county is not required to pay interest on any amounts that a taxpayer is entitled to receive as a credit under this section.

(g) A county auditor may carry a credit to which the taxpayer is entitled under subsection (f) forward to the immediately succeeding year or years, as applicable, and use the credit against the taxpayer's property taxes on personal property as follows:

(1) If the amount of the credit to which the taxpayer is initially entitled under subsection (f) does not exceed twenty-five thousand dollars ($25,000), the county auditor may carry the credit forward to the year immediately succeeding the year in which the taxes were paid.

(2) If the amount of the credit to which the taxpayer is initially entitled under subsection (f) exceeds twenty-five thousand dollars ($25,000), the county auditor may carry the credit forward for not more than three (3) consecutive years immediately succeeding the year in which the taxes were paid.

The credit is reduced each time the credit is applied to the taxpayer's property taxes on personal property in succeeding years by the amount applied.

(h) If an excess credit remains after the credit is applied in the final year to which the credit may be carried forward under subsection (g), the county auditor shall refund to the taxpayer the amount of any excess credit that remains after application of the credit under subsection (g) not later than December 31 of the final year to which the excess credit may be carried.

(i) The taxpayer is not required to file an application for:

(1) a credit under subsection (f) or (g); or

(2) a refund under subsection (h).

(j) Before August 1 of each year, the county auditor shall provide to each taxing unit in the county an estimate of the total amount of the credits under subsection (f) or (g) that will be applied against taxes imposed by the taxing unit that are payable in the immediately succeeding year.

(k) A county auditor may refund a credit amount to a taxpayer before the time the credit would otherwise be applied against property tax payments under this section.

(l) If a person:

(1) files an amended personal property tax return more than six (6) months, but less than twelve (12) months, after the filing date or (if the taxpayer is granted an extension under section 7 of this chapter) the extension date for the original personal property tax return being amended; and

(2) is entitled to a credit or refund as a result of the amended return;

the county auditor shall reduce the credit or refund payable to the person. The amount of the reduction is ten percent (10%) of the credit or refund amount.

SECTION 7. IC 6-1.1-3-17, AS AMENDED BY P.L.146-2008, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) On or before June 1 of each year, each township assessor (if any) of a county shall deliver to the county assessor a list which states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the township assessor on or before the filing date of that year and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as prescribed in subsection (b).

(b) On or before July 1 of each year **that ends before January 1, 2017, and on or before June 15 of each year that begins after December 31, 2016,** each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district.

(c) The department of local government finance shall prescribe the forms required by this section.

SECTION 8. IC 6-1.1-4-4.2, AS ADDED BY P.L.112-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.2. (a) The county assessor of each county shall, before July 1, 2013, and before ~~July~~ **May** 1 of every fourth year thereafter, prepare and submit to the department of local government finance a reassessment plan for the county. The following apply to a reassessment plan prepared and submitted under this section:

(1) The reassessment plan is subject to approval by the department of local government finance. The department of local government finance shall complete its review and approval of the reassessment plan before:

(A) March 1, **2015; and**

(B) January 1 of ~~the~~ **each subsequent** year ~~following the~~ **that follows a** year in which the reassessment plan is submitted by the county.

(2) The department of local government finance shall determine the classes of real property to be used for purposes of this section.

(3) Except as provided in subsection (b), the reassessment plan must divide all parcels of real property in the county into four (4) different groups of parcels. Each group of parcels must contain approximately twenty-five percent (25%) of the parcels within each class of real property in the county.

(4) Except as provided in subsection (b), all real property in each group of parcels shall be reassessed under the county's reassessment plan once during each four (4) year cycle.

(5) The reassessment of a group of parcels in a particular class of real property shall begin on ~~July~~ **May** 1 of a year.

(6) The reassessment of parcels:

(A) must include a physical inspection of each parcel of real property in the group of parcels that is being reassessed; and

(B) shall be completed on or before ~~March~~ **January** 1 of the year after the year in which the reassessment of the group of parcels begins.

(7) For real property included in a group of parcels that is reassessed, the reassessment is the basis for taxes payable in the year following the year in which the reassessment is to be completed.

(8) The reassessment plan must specify the dates by which the

assessor must submit land values under section 13.6 of this chapter to the county property tax assessment board of appeals.

(9) Subject to review and approval by the department of local government finance, the county assessor may modify the reassessment plan.

(b) A county may submit a reassessment plan that provides for reassessing more than twenty-five percent (25%) of all parcels of real property in the county in a particular year. A plan may provide that all parcels are to be reassessed in one (1) year. However, a plan must cover a four (4) year period. All real property in each group of parcels shall be reassessed under the county's reassessment plan once during each reassessment cycle.

(c) The reassessment of the first group of parcels under a county's reassessment plan shall begin on July 1, 2014, and shall be completed on or before ~~March~~ **January** 1, 2015.

(d) The department of local government finance may adopt rules to govern the reassessment of property under county reassessment plans.

SECTION 9. IC 6-1.1-4-4.6, AS AMENDED BY P.L.113-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) If a county assessor fails before July 2 of a particular year **that ends before January 1, 2016, and before June 2 of a particular year that begins after December 31, 2015,** for which an adjustment to the assessed value of real property applies under section 4.5 of this chapter to prepare and deliver to the county auditor a complete detailed list of all of the real property listed for taxation in the county as required by IC 6-1.1-5-14 and at least one hundred eighty (180) days have elapsed after the ~~July 1~~ deadline specified in IC 6-1.1-5-14 for ~~delivering~~ **the county assessor to deliver** the list, the department of local government finance may develop annual adjustment factors under this section for that year. In developing annual adjustment factors under this section, the department of local government finance shall use data in its possession that is obtained from:

(1) the county assessor; or

(2) any of the sources listed in the rule, including county or state sales data, government studies, ratio studies, cost and depreciation tables, and other market analyses.

(b) Using the data described in subsection (a), the department of

local government finance shall propose to establish annual adjustment factors for the affected tax districts for one (1) or more of the classes of real property. The proposal may provide for the equalization of annual adjustment factors in the affected township or county and in adjacent areas. The department of local government finance shall issue notice and provide opportunity for hearing in accordance with IC 6-1.1-14-4 and IC 6-1.1-14-9, as applicable, before issuing final annual adjustment factors.

(c) The annual adjustment factors finally determined by the department of local government finance after the hearing required under subsection (b) apply to the annual adjustment of real property under section 4.5 of this chapter for:

(1) the assessment date; and

(2) the real property;

specified in the final determination of the department of local government finance.

SECTION 10. IC 6-1.1-4-5, AS AMENDED BY P.L.112-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A petition for the reassessment of a real property that is subject to reassessment under section 4 of this chapter and situated within a township may be filed with the department of local government finance on or before:

(1) March 31st of any year **beginning before January 1, 2016,** which is not a general election year and in which no general reassessment of real property is made; **or**

(2) January 31 of any year beginning after December 31, 2015, that is not a general election year and in which no general reassessment of real property is made.

A petition for reassessment of real property applies only to the most recent real property assessment date.

(b) The petition for reassessment must be signed by not less than the following percentage of all the owners of taxable real property who reside in the township:

(1) fifteen percent (15%) for a township which does not contain an incorporated city or town;

(2) five percent (5%) for a township containing all or part of an incorporated city or town which has a population of five thousand (5,000) or less;

(3) four percent (4%) for a township containing all or part of an incorporated city which has a population of more than five thousand (5,000) but not exceeding ten thousand (10,000);

(4) three percent (3%) for a township containing all or part of an incorporated city which has a population of more than ten thousand (10,000) but not exceeding fifty thousand (50,000);

(5) two percent (2%) for a township containing all or part of an incorporated city which has a population of more than fifty thousand (50,000) but not exceeding one hundred fifty thousand (150,000); or

(6) one percent (1%) for a township containing all or part of an incorporated city which has a population of more than one hundred fifty thousand (150,000).

The signatures on the petition must be verified by the oath of one (1) or more of the signers. A certificate of the county auditor stating that the signers constitute the required number of resident owners of taxable real property of the township must accompany the petition.

(c) Upon receipt of a petition under subsection (a), the department of local government finance may order a reassessment under section 9 of this chapter or conduct a reassessment under section 31.5 of this chapter.

SECTION 11. IC 6-1.1-4-9, AS AMENDED BY P.L.112-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In order to maintain a just and equitable valuation of real property, the department of local government finance may adopt a resolution declaring its belief that it is necessary to reassess all or a portion of the real property located within this state. If the department of local government finance adopts a reassessment resolution and if either a township or a larger area is involved (for assessments before ~~March 1, 2015)~~ **January 1, 2016)** or one (1) or more groups of parcels under the county's reassessment plan are involved (for assessments after ~~February 28, 2015),~~ **December 31, 2015),** the department shall hold a hearing concerning the necessity for the reassessment at the courthouse of the county in which the property is located. The department of local government finance shall give notice of the time and place of the hearing in the manner provided in section 10 of this chapter. After the hearing, or if the area involved is less than a township (for assessments before ~~March 1, 2015)~~ **January**

1, 2016) or is less than one (1) group of parcels under the county's reassessment plan (for assessments after ~~February 28, 2015),~~ **December 31, 2015),** after the adoption of the resolution of the department of local government finance, the department may order any reassessment it deems necessary. The order shall specify the time within which the reassessment must be completed and the date the reassessment will become effective.

SECTION 12. IC 6-1.1-4-21.4, AS ADDED BY P.L.112-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.4. (a) The appraisals of the parcels in a group under a county's reassessment plan prepared under section 4.2 of this chapter that are subject to taxation must be completed as follows:

(1) The appraisal of one-third (1/3) of the parcels shall be completed before ~~October~~ **August** 1 of the year in which the group's reassessment under the county reassessment plan begins.

(2) The appraisal of two-thirds (2/3) of the parcels shall be completed before ~~January~~ **November** 1 of the year ~~following the year~~ in which the group's reassessment under the county reassessment plan begins.

(3) The appraisal of all the parcels shall be completed before ~~March~~ **January** 1 of the year following the year in which the group's reassessment under the county reassessment plan begins.

(b) If a county assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals of a group of parcels under a county's reassessment plan, the professional appraiser or appraisal firm must file appraisal reports with the county assessor by the dates set forth in subsection (a).

SECTION 13. IC 6-1.1-4-22, AS AMENDED BY P.L.112-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) If any assessing official assesses or reassesses any real property under this article (including an annual adjustment under section 4.5 of this chapter), the official shall give notice to the taxpayer and the county assessor, by mail or by using electronic mail that includes a secure Internet link to the information in the notice, of the amount of the assessment or reassessment.

(b) Each township or county assessor shall provide the notice required by this section by the earlier of:

(1) ninety (90) days after the assessor:

(A) completes the appraisal of a parcel; or

(B) receives a report for a parcel from a professional appraiser or professional appraisal firm; or

(2) April 10 of the year containing the assessment date for which the assessment or reassessment first applies, **if the assessment date occurs in a year that ends before January 1, 2016, and February 10 of the year containing the assessment date for which the assessment or reassessment first applies, if the assessment date occurs in a year that begins after December 31, 2015.**

(c) The notice required by this section is in addition to any required notice of assessment or reassessment included in a property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

(d) The notice required by this section must include notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1.

(e) Notice of the opportunity to appeal the assessed valuation required under subsection (d) must include the following:

(1) The procedure that a taxpayer must follow to appeal the assessment or reassessment.

(2) The forms that must be filed for an appeal of the assessment or reassessment.

(3) Notice that an appeal of the assessment or reassessment requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date.

SECTION 14. IC 6-1.1-4-25, AS AMENDED BY P.L.146-2008, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor (if any) in a county having a consolidated city, the county assessor if there are no township assessors in a county

having a consolidated city, or the county assessor in every other county, shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of ~~the~~ **a** year **ending before January 1, 2016, and before September 1 of a year beginning after December 31, 2015,** to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 15. IC 6-1.1-4-39, AS AMENDED BY P.L.146-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. (a) For assessment dates after February 28,

2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) A township assessor (if any) or the county assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. If a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial formulation of the assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the ~~March 1~~ assessment date. However, the taxpayer is not prejudiced in any way and is not restricted in pursuing an appeal, if the data is not submitted by ~~March 1.~~ **the**

assessment date. A taxpayer must verify under penalties for perjury any information provided to the township or county assessor for use in the application of either method. All information related to earnings, income, profits, losses, or expenditures that is provided to the assessor under this section is confidential under IC 6-1.1-35-9 to the same extent as information related to earnings, income, profits, losses, or expenditures of personal property is confidential under IC 6-1.1-35-9.

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.

SECTION 16. IC 6-1.1-5-14, AS AMENDED BY P.L.146-2008, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. **(a)** Not later than:

(1) May 15 **in each calendar year ending before January 1, 2017; and**

(2) May 1 in each calendar year ending after December 31, 2016;

each township assessor in the county (if any) shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township.

(b) On or before:

(1) July 1 of each **calendar** year **ending before January 1, 2017; and**

(2) June 1 in each calendar year ending after December 31, 2016;

each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. The county assessor shall prepare the list in the form prescribed by the department of local government finance.

SECTION 17. IC 6-1.1-5.5-3, AS AMENDED BY P.L.1-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's

ownership;

from property taxes under IC 6-1.1-10.

(b) Subject to subsections (g) and (h), before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:

(1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form. For conveyance transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the sales disclosure form is sufficient.

(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp or otherwise approve the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible. For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:

(A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and

(B) both of the following conditions are satisfied:

(i) The form contains the information required by section 5(a)(1) through 5(a)(16) of this chapter as that section applies to the conveyance transaction, subject to the obligation of a party to furnish or correct that information in the manner required by and subject to the penalty provisions of section 12 of this chapter. The form may not be rejected for failure to contain information other than that required by section 5(a)(1) through 5(a)(16) of this chapter.

(ii) The form is submitted to the county assessor in a format usable to the county assessor.

(3) File the sales disclosure form with the county auditor.

(c) The auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency **on or before April 1 in a year ending before January 1, 2016, and on or before February 1 in a year beginning after December 31, 2015.** The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall review each sales disclosure form and process any deduction for which the form serves as an application under IC 6-1.1-12-44. The auditor shall forward the sales disclosure form to the appropriate township assessor (if any). The township assessor shall verify the assessed valuation of the property for the assessment date to which the application applies and transmit that assessed valuation to the auditor. The township or county assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The forms may be used by the county assessing officials, the county auditor, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

(f) County assessing officials, county auditors, and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.

(g) Except as provided in subsection (h), a separate sales disclosure form is required for each parcel conveyed, regardless of whether more than one (1) parcel is conveyed under a single conveyance document.

(h) Only one (1) sales disclosure form is required for the conveyance under a single conveyance document of two (2) or more contiguous parcels located entirely within a single taxing district.

SECTION 18. IC 6-1.1-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. (a) **On or before June 1 of each year, the department of local government finance shall:**

(1) make a tentative determination of the distributable property assessed values that are distributable to each taxing unit in Indiana based on the tentative distributable property assessed values determined under section 26 of this chapter; and

(2) certify to the county assessor and the county auditor of each county the distributable property assessed values that the department tentatively determines are distributable to the taxing districts of the county.

The county auditor may use the tentative assessed values received under this subsection in preparation of the certified statement required under IC 6-1.1-17-1. The county auditor shall designate these values as tentative assessment values in the certified statement.

(b) As soon as the department of local government finance determines its final assessments of distributable property, the department shall certify to the county assessor and the county auditor of each county the distributable property assessed values which the department determines are distributable to the taxing districts of the county. In addition, if a public utility company has appealed the department of local government finance's final assessment of the

company's distributable property, the department shall notify the county auditor of the appeal.

~~(b)~~ **(c)** The county assessor shall review the department of local government finance's certification **under subsection (b)** to determine if any of a public utility company's property which has a definite situs in the county has been omitted. The county auditor shall enter for taxation the assessed valuation of a public utility company's distributable property which the department distributes to a taxing district of the county.

SECTION 19. IC 6-1.1-11-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. (a) This section applies to an exemption for:**

(1) an assessment date for property other than a mobile home assessed under IC 6-1.1-7 that occurs in a year that begins after December 31, 2015; and

(2) an assessment date for a mobile home (including a manufactured home) assessed under IC 6-1.1-7 that occurs in a year that begins after December 31, 2016.

(b) An award of an exemption from property taxation for tangible property for a particular assessment date must be based on the tangible property's eligibility of the exemption on that assessment date. An act occurring after the assessment date, including a change in:

(1) use, value, character, or ownership of the tangible property; or

(2) the age, disability, or income of any owner, contract buyer, or possessor of tangible property;

does not affect the eligibility of the tangible property for an exemption for that assessment date.

SECTION 20. IC 6-1.1-11-3, AS AMENDED BY P.L.146-2008, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Subject to subsections (e), (f), and (g), an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually on or before:

(1) May 15 on forms prescribed by the department of local government finance, **if the application is filed for an assessment date in a year that ends before January 1, 2016; and**

(2) April 1 of the year containing the assessment date, if the application is filed in a year that begins after December 31, 2015.

Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter shall contain the following information:

(1) A description of the property claimed to be exempt in sufficient detail to afford identification.

(2) A statement showing the ownership, possession, and use of the property.

(3) The grounds for claiming the exemption.

(4) The full name and address of the applicant.

(5) For the year that ends on the assessment date of the property, identification of:

(A) each part of the property used or occupied; and

(B) each part of the property not used or occupied;

for one (1) or more exempt purposes under IC 6-1.1-10 during the time the property is used or occupied.

(6) Any additional information which the department of local government finance may require.

(d) A person who signs an exemption application shall attest in writing and under penalties of perjury that, to the best of the person's knowledge and belief, a predominant part of the property claimed to be exempt is not being used or occupied in connection with a trade or business that is not substantially related to the exercise or performance of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real property under subsection (a) or section 5 of this chapter a copy of the assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation of the assessed value of the real property for the assessment date for

which the exemption is claimed. Upon receipt of the exemption application, the county assessor shall examine that record and determine if the real property for which the exemption is claimed is properly assessed. If the county assessor determines that the real property is not properly assessed, the county assessor shall:

(1) properly assess the real property or direct the township assessor to properly assess the real property; and

(2) notify the county auditor of the proper assessment or direct the township assessor to notify the county auditor of the proper assessment.

(f) If the county assessor determines that the applicant has not filed with an application for exemption a copy of the record referred to in subsection (e), the county assessor shall notify the applicant in writing of that requirement. The applicant then has thirty (30) days after the date of the notice to comply with that requirement. The county property tax assessment board of appeals shall deny an application described in this subsection if the applicant does not comply with that requirement within the time permitted under this subsection. **After December 31, 2015, the notice required by this subsection must be sent not later than April 25 in the year that it is required.**

(g) This subsection applies whenever a law requires an exemption to be claimed on or in an application accompanying a personal property tax return. The claim or application may be filed on or with a personal property tax return not more than thirty (30) days after the filing date for the personal property tax return, regardless of whether an extension of the filing date has been granted under IC 6-1.1-3-7.

SECTION 21. IC 6-1.1-11-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) A not-for-profit corporation that seeks an exemption provided by IC 6-1.1-10 for 2000 or for a year that follows 2000 by a multiple of two (2) years must file an application for the exemption in that year. However, if a not-for-profit corporation seeks an exemption provided by IC 6-1.1-10 for a year not specified in this subsection and the corporation did not receive the exemption for the preceding year, the corporation must file an application for the exemption in the year for which the exemption is sought. The not-for-profit corporation must file each exemption application in the manner (other than the requirement for filing annually) prescribed in section 3 of this chapter.

(b) A not-for-profit corporation that receives an exemption provided under IC 6-1.1-10 for a particular year that remains eligible for the exemption for the following year is only required to file a statement to apply for the exemption in the years specified in subsection (a), if the use of the not-for-profit corporation's property remains unchanged.

(c) A not-for-profit corporation that receives an exemption provided under IC 6-1.1-10 for a particular year which becomes ineligible for the exemption for the following year shall notify the assessor of the county in which the tangible property for which it claims the exemption is located of its ineligibility on or before:

(1) May 15 of the year for which it becomes ineligible, **if the property becomes ineligible in a year that ends before January 1, 2016; and**

(2) April 1 of the year for which it becomes ineligible, if the property becomes ineligible in a year that begins after December 31, 2015.

If a not-for-profit corporation that is receiving an exemption provided under IC 6-1.1-10 changes the use of its tangible property so that part or all of that property no longer qualifies for the exemption, the not-for-profit corporation shall notify the assessor of the county in which the tangible property for which it claims the exemption is located of its ineligibility on or before ~~May 15 of the year for which it first becomes ineligible.~~ **the date specified in subdivision (1) or (2), as appropriate.** The county assessor shall immediately notify the county auditor of the not-for-profit corporation's ineligibility or disqualification for the exemption. A not-for-profit corporation that fails to provide the notification required by this subsection is subject to the penalties set forth in IC 6-1.1-37-9.

(d) For each year that is not a year specified in subsection (a), the auditor of each county shall apply an exemption provided under IC 6-1.1-10 to the tangible property owned by a not-for-profit corporation that received the exemption in the preceding year unless the county property tax assessment board of appeals determines that the not-for-profit corporation is no longer eligible for the exemption.

(e) The department of local government finance may at any time review an exemption provided under this section and determine whether or not the not-for-profit corporation is eligible for the exemption.

SECTION 22. IC 6-1.1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) **On or** before:

(1) May ~~16~~ **15** of each even-numbered year, **if the year ends before January 1, 2016; and**

(2) April 1 of each even-numbered year, if the year begins after December 31, 2015;

the county auditor shall provide to the county assessor a list by taxing district of property for which a tax exemption was in effect for the immediately preceding year. Before July 1 of each even-numbered year **that ends before January 1, 2016, and on or before June 1 of each even-numbered year that begins after December 31, 2015,** the county assessor shall return the list to the county auditor with a notation of any action of the county property tax assessment board of appeals on that year's exemption of each listed property.

(b) The assessor of the county in which property is located shall, in each even-numbered year, mail a notice to the owner of the property if:

(1) the owner has not applied for a tax exemption for that year;

(2) a tax exemption for the property was in effect for the immediately preceding year; and

(3) the owner is required to file an application for the exemption for that year under section 3.5 of this chapter.

(c) The notice required by subsection (b) must:

(1) identify the property by key number, if any, and a street address, if any, or other common description of the property other than a legal description; and

(2) state that the property will be placed on the county tax duplicate unless the owner applies for an exemption within fifteen (15) days after the date the notice is mailed.

The county assessor shall, **in a year that ends before January 1, 2016,** mail any notice required by subsection (b) before June 16 of the year in which the exemption application should have been filed **and, in a year that begins after December 31, 2015, mail any notice required by subsection (b) on or before April 25 of the year in which the exemption application should have been filed.**

(d) A county assessor's failure to give the notice required by subsection (b):

(1) for an assessment date in a year that ends before January 1, 2016, does not continue an exemption unless an exemption

application is filed by the owner and approved by the county property tax assessment board of appeals on or before the first Monday in November of the year following the year in which the application should have been filed; **and**

(2) for an assessment date in a year that begins after December 31, 2015, does not continue an exemption.

(e) This subsection applies to an exemption for an assessment date in a year that begins after December 31, 2015. An otherwise sufficient exemption application that is filed after the applicable date specified in section 3 of this chapter shall be treated as an exemption application for the immediately following assessment date.

SECTION 23. IC 6-1.1-11-8, AS AMENDED BY P.L.137-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) On or before:

(1) August 1 of each year, **for an assessment date in a year that ends before January 1, 2016; and**

(2) July 1 of each year, for an assessment date in a year that begins after December 31, 2015;

the county auditor of each county shall forward to the department of local government finance the duplicate copies of all approved exemption applications.

(b) The department of local government finance may review the approved applications forwarded under subsection (a). The department of local government finance may deny an exemption if the department determines that the property is not tax exempt under the laws of this state. However, before denying an exemption, the department of local government finance must give notice to the applicant, and the department must hold a hearing on the exemption application.

(c) The department shall adopt rules under IC 4-22-2 with respect to exempt real property to:

(1) provide just valuations; and

(2) ensure that assessments are:

(A) made; and

(B) recorded;

in accordance with law.

SECTION 24. IC 6-1.1-11-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: **Sec. 11. If there is a conflict between a provision of this chapter that is added or changed in the 2014 session of the general assembly and a provision in another law, the provision in this chapter shall be treated as controlling the procedures related to an exemption from property taxation.**

SECTION 25. IC 6-1.1-16-1, AS AMENDED BY P.L.146-2008, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in section 2 of this chapter, an assessing official or county property tax assessment board of appeals may not change the assessed value claimed by a taxpayer on a personal property return unless the assessing official or county property tax assessment board of appeals takes the action and gives the notice required by IC 6-1.1-3-20 within the following periods:

(1) A township assessor (if any) must make a change in the assessed value and give the notice of the change on or before the later of:

(A) September 15 of the year for which the assessment is made; or

(B) four (4) months from the date the personal property return is filed if the return is filed after ~~May 15 of the year for which the assessment is made.~~ **the filing date for the personal property tax return.**

(2) A county assessor or county property tax assessment board of appeals must make a change in the assessed value, including the final determination by the board of an assessment changed by an assessing official, and give the notice of the change on or before the later of:

(A) October 30 of the year for which the assessment is made; or

(B) five (5) months from the date the personal property return is filed if the return is filed after ~~May 15 of the year for which the assessment is made.~~ **the filing date for the personal property tax return.**

(3) The department of local government finance must make a preliminary change in the assessed value and give the notice of the change on or before the later of:

(A) October 1 of the year immediately following the year for

which the assessment is made; or

(B) sixteen (16) months from the date the personal property return is filed if the return is filed after ~~May 15 of the year for which the assessment is made.~~ **the filing date for the personal property tax return.**

(b) Except as provided in section 2 of this chapter, if an assessing official or a county property tax assessment board of appeals fails to change an assessment and give notice of the change within the time prescribed by this section, the assessed value claimed by the taxpayer on the personal property return is final.

(c) This section does not limit the authority of a county auditor to correct errors in a tax duplicate under IC 6-1.1-15-12.

(d) This section does not apply if the taxpayer:

(1) fails to file a personal property return which substantially complies with this article and the regulations of the department of local government finance; or

(2) files a fraudulent personal property return with the intent to evade the payment of property taxes.

(e) A taxpayer may appeal a preliminary determination of the department of local government finance under subsection (a)(3) to the Indiana board. An appeal under this subdivision shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. A preliminary determination that is not appealed under this subsection is a final unappealable order of the department of local government finance.

SECTION 26. IC 6-1.1-17-5.6, AS AMENDED BY P.L.119-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) For budget years beginning before July 1, 2011, this section applies only to a school corporation that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000). For budget years beginning after June 30, 2011, this section applies to all school corporations. Beginning in 2011, each school corporation may elect to adopt a budget under this section that applies from July 1 of the year through June 30 of the following year. In the initial budget adopted by a school corporation under this section, the first six (6) months of that initial budget must be consistent with the last six (6) months of the budget adopted by the school corporation for the

calendar year in which the school corporation elects by resolution to begin adopting budgets that correspond to the state fiscal year. A corporation shall submit a copy of the resolution to the department of local government finance and the department of education not more than thirty (30) days after the date the governing body adopts the resolution.

(b) Before ~~February~~ **April** 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before November 1.

(c) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

(1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;

(2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and

(3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by

a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 27. **An emergency is declared for this act.**

P.L.112-2014
[S.421. Approved March 25, 2014.]

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

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

SECTION 1. IC 6-1.1-28-1, AS AMENDED BY P.L.182-2009(ss), SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. At the election of the board of commissioners of the county, a county property tax assessment board of appeals may consist of three (3) or five (5) members appointed in accordance with this section.

(b) This subsection applies to a county in which the board of commissioners elects to have a five (5) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or

township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (g) and (h), the board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(c) This subsection applies to a county in which the board of commissioners elects to have a three (3) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint one (1) individual to the board. The member appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county

commissioners must be a certified level two or level three assessor-appraiser.

(d) A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a nonvoting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(e) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (b) or (c) that not more than three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

(1) who are willing to serve on the board; and

(2) whose political party membership status would satisfy the requirement in subsection (b) or (c).

(f) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

(1) residents of the county;

(2) certified level two or level three Indiana assessor-appraisers; and

(3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals be residents of the county.

(g) Except as provided in subsection (f), the term of a member of the county property tax assessment board of appeals appointed under this

section:

(1) is one (1) year; and

(2) begins January 1.

(h) If:

(1) the term of a member of the county property tax assessment board of appeals appointed under this section expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

(i) An:

(1) employee of the township assessor or county assessor; or

(2) appraiser, as defined in IC 6-1.1-31.7-1;

may not serve as a voting member of a county property tax assessment board of appeals in a county where the employee or appraiser is employed.

SECTION 2. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 35.7. Assessor, Appraiser, and Tax Representative Standards of Conduct

Sec. 1. As used in this chapter, "appraiser" has the meaning set forth in IC 6-1.1-31.7-1.

Sec. 2. As used in this chapter, "tax representative" means a person who represents another person at a proceeding before the property tax assessment board of appeals or the department. The term does not include:

(1) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;

(2) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;

(3) a representative of a local unit of government appearing on behalf of the unit;

(4) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or

(5) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing

of any other state bar and who has been granted leave by the department to appear pro hac vice.

Sec. 3. (a) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall adhere to the Uniform Standards of Professional Appraisal Practice in the performance of the individual's duties.

(b) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall not do any of the following:

(1) Conduct an assessment that includes the reporting of a predetermined opinion or conclusion.

(2) Misrepresent the individual's role when providing valuation services that are outside the practice of property assessment.

(3) Communicate assessment results with the intent to mislead or defraud.

(4) Communicate a report that the individual knows is misleading or fraudulent.

(5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.

(6) Engage in criminal conduct.

(7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.

(8) Perform an assessment in a grossly negligent manner.

(9) Perform an assessment with bias.

(10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.

Sec. 4. (a) A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

(1) must be competent to perform a particular assessment;

(2) must acquire the necessary competency to perform the assessment; or

(3) shall contract with an appraiser who demonstrates competency to do the assessment.

(b) The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

(c) An individual whose certification is revoked by the department under subsection (b) may appeal the department's decision to the certification appeal board established under subsection (d). A decision of the certification appeal board may be appealed to the tax court in the same manner that a final determination of the department may be appealed under IC 33-26.

(d) The certification appeal board is established for the sole purpose of conducting appeals under this section. The board consists of the following seven (7) members:

(1) Two (2) representatives of the department appointed by the commissioner of the department.

(2) Two (2) individuals appointed by the governor. The individuals must be township or county assessors.

(3) Two (2) individuals appointed by the governor. The individuals must be licensed appraisers.

(4) One (1) individual appointed by the governor. The individual must be a resident of Indiana.

The commissioner of the department shall designate a member appointed under subdivision (1) as the chairperson of the board. Not more than four (4) members of the board may be members of the same political party. Each member of the board serves at the pleasure of the appointing authority.

(e) The certification appeal board shall meet as often as is necessary to properly perform its duties. Each member of the board is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 5. (a) The department may revoke a certification issued

under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

(b) If an appraiser's certification is revoked:

(1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and

(2) the appraiser may not receive any additional payments under the contract.

(c) A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

Sec. 6. A tax representative may not do any of the following:

(1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.

(2) Knowingly misrepresent any information or act in a fraudulent manner.

(3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the department, the Indiana board, or the property tax assessment board of appeals.

(2) Gross incompetence in the performance of practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department.

SECTION 3. IC 23-14-31-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 45. (a) After completion of the cremation process, if a crematory authority existing on cemetery property has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the funeral director of record not later than thirty (30) days after the date of cremation. ~~The delivery may be made in person or by registered mail.~~ After delivery of the cremated remains, the crematory authority is discharged from any legal obligation or liability concerning the disposition of the cremated remains.

(b) A funeral director may hold remains returned by a crematory authority for not longer than sixty (60) days from the date of cremation and may dispose of the remains as previously arranged, or if no arrangement has been made, at the end of sixty (60) days, in any legal manner.

(c) A funeral director and crematory authority shall observe

religious practices or preferences specified by the authorizing agent.

SECTION 4. IC 25-1-16-3, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter, "committee" means the ~~regulated occupations evaluation~~ **jobs creation** committee established by section 6 of this chapter.

SECTION 5. IC 25-1-16-4, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. As used in this chapter, "license" means:

(1) an unlimited license, **permit,** certificate, or **certificate of** registration;

(2) a **temporary,** limited, or probationary license, **permit,** certificate, or **certificate of** registration;

~~(3) a temporary license, certificate, registration, or permit;~~

~~(4)~~ **(3)** an intern permit; or

~~(5)~~ **(4)** a provisional license;

issued by the board regulating the regulated occupation in question. **"Licensed" has a corresponding meaning.**

SECTION 6. IC 25-1-16-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.5. As used in this chapter, "office" refers to the office of management and budget.**

SECTION 7. IC 25-1-16-6, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~regulated occupations evaluation~~ **jobs creation** committee is established.

SECTION 8. IC 25-1-16-7, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The committee consists of the following individuals:

(1) The ~~dean~~ **executive director** of the ~~Indiana University School of Public and Environmental Affairs~~ **agency** or the ~~dean's~~ **executive director's** designee. The ~~dean~~ **executive director** or the ~~dean's~~ **executive director's** designee shall serve as chairperson of the committee.

(2) The director of the ~~agency~~ **office** or the director's designee.

(3) The attorney general or the attorney general's designee, **as a nonvoting member.**

(4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members, as a nonvoting member. **The member serves at the pleasure of the governor.**

~~(4)~~ **(5)** Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

~~(5)~~ **(6)** Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection ~~(a)(4) or~~ (a)(5) **or (a)(6)** is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

(d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection (a)(5) or (a)(6) expires on July 1, 2014.

SECTION 9. IC 25-1-16-8, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The committee shall review and evaluate each regulated occupation **and board.** The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.

(5) An assessment of the fees that the board charges for licenses.

~~(4)~~ **(6)** Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation **and board** that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated

occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation, **including the actual cost of administering license applications, renewals, and issuing licenses.**

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether:

(A) the regulation of a regulated occupation should be modified;

(B) the board should be combined with another board; ~~or~~

(C) whether the board or the regulation of the regulated occupation should be terminated;

(D) whether a license should be eliminated; or

(E) whether multiple licenses should be consolidated into a single license.

(6) Any recommendations for administrative changes.

(7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars ($100) or the actual administrative cost to process the application or renew or issue the license.

SECTION 10. IC 25-1-16-10, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every ~~seven (7)~~ **five (5)** years.

SECTION 11. IC 25-1-16-11, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 11. (a) The ~~agency~~ **office** shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the ~~agency,~~ **office,** an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the ~~agency.~~ **office.**

SECTION 12. IC 25-1-16-13, AS AMENDED BY SEA 80-2014, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The committee shall submit a report to the:

(1) governor; **and**

~~(2) interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6; and~~

~~(3)~~ **(2)** legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

SECTION 13. IC 25-1-16-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. The committee shall seek public input when considering any proposals or reports concerning the elimination of a license or change to a regulated occupation.**

SECTION 14. IC 25-1-16-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15. The committee shall review and evaluate a proposal to license a new occupation upon the request of any of the following:**

(1) A member of the general assembly.

(2) A legislative staff member on behalf of a member of the general assembly.

(3) A member of the legislative services agency on behalf of a member of the general assembly.

SECTION 15. IC 25-2.1-1-3.8, AS AMENDED BY P.L.190-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.8. "Attest" means to provide any of the following ~~financial statement~~ services:

(1) An audit or other engagement performed in accordance with

the AICPA Statements on Auditing Standards (SAS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(2) A review of a financial statement performed in accordance with the AICPA Statements on Standards for Accounting and Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(3) An examination of prospective financial information performed in accordance with the AICPA Statements on Standards for Attestation Engagements (SSAE) or other similar standards adopted by reference under IC 25-2.1-2-15.

(4) An engagement performed in accordance with the standards of the Public Company Accounting Oversight Board.

(5) An examination, a review, or an agreed upon procedure to be performed in accordance with the SSAE, other than an examination described in subdivision (3).

SECTION 16. IC 25-2.1-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) "Report", when used with reference to ~~financial statements,~~ **any attest or compilation service,** means an opinion, **report,** or other form of language that states or implies assurance as to the reliability of ~~any~~ **the attested information or compiled** financial statements and that also includes or is accompanied by any statement or implication that the individual or firm issuing it has special knowledge or competence in accounting or auditing. The statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the individual is an accountant or auditor or from the language of the report.

(b) The term includes any form of language that disclaims an opinion when the form of the language is conventionally understood to imply any positive assurance as to:

(1) the reliability of the **attested information or compiled** financial statements referred to; or

(2) special competence on the part of the individual or firm issuing the language.

(c) The term includes any other form of language that is conventionally understood to imply an assurance or special knowledge or competence described in subsection (b).

SECTION 17. IC 25-2.1-2-4, AS AMENDED BY P.L.190-2007,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.

(b) An individual may not serve more than ~~two (2)~~ **three (3)** complete terms. An appointment to fill an unexpired term is not a complete term.

(c) All terms expire on June 30.

SECTION 18. IC 25-2.1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c), to renew a certificate under this chapter an applicant must complete one hundred twenty (120) hours of continuing professional education during a three (3) year period with a minimum of twenty (20) hours each year.

(b) The board may prescribe the content, duration, and organization of continuing professional education courses that contribute to the general professional competence of the applicant.

(c) If a licensee desires to discontinue the practice of accountancy in Indiana, the licensee may select inactive **or retired** status on the renewal form. A licensee selecting inactive **or retired** status may renew a certificate under this chapter without completing the continuing professional education courses required by subsection (a).

(d) The board may establish the following:

(1) Prorated continuing professional education requirements to be met by applicants whose initial certificates were issued substantially less than three (3) years before the renewal date.

(2) Special lesser requirements to be met by applicants for certificate renewal whose prior certificates lapsed substantially before their applications for renewal or for an inactive **or retired** licensee who wishes to reactivate the licensee's license, when it would be inequitable to require a full compliance with all requirements of continuing professional education that would have been applicable to the period of lapse.

SECTION 19. IC 25-2.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An applicant for initial issuance or renewal of a permit to practice under this chapter must show that:

(1) a simple majority of the ownership of the firm, in terms of

financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of an active CPA certificate issued under this article or a corresponding certificate that is issued after examination by another state; and

(2) the partners, officers, shareholders, members, or managers whose principal place of business is in Indiana and who practice accountancy in Indiana hold a valid CPA certificate issued under this article.

(b) For firms of public accountants, at least a simple majority of ownership of the firm, in terms of financial interests and voting rights, must belong to public accountants certified under IC 25-2.1-6.

(c) A firm issued a permit under this section may include nonlicensee owners if:

(1) the firm designates a licensee who is responsible for the proper registration of the firm and identifies that individual to the board;

(2) all nonlicensee owners are active individual participants in the CPA or PA firm or affiliated entities; and

(3) the firm complies with the other requirements that the board may impose by rule.

(d) An individual licensee who is responsible for supervising attest or compilation services and signs or authorizes an individual to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirements set out in the professional standards adopted by the board for the services.

(e) An individual licensee who signs or authorizes an individual to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirement of subsection (d).

SECTION 20. IC 25-2.1-8-4, AS ADDED BY P.L.190-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The accountant investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon a person who holds a

certificate as an accounting practitioner, a CPA, or a PA under IC 25-2.1-2-12(b); ~~and~~

(2) civil penalties collected under IC 25-2.1-13-3(b); **and**

(3) civil penalties collected under IC 25-1-11-12.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds ~~seven hundred fifty thousand dollars ($750,000)~~ **one million dollars ($1,000,000)** at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds ~~seven hundred fifty thousand dollars ($750,000)~~ **one million dollars ($1,000,000)** reverts to the state general fund.

(e) Money in the fund is continually appropriated to the Indiana professional licensing agency for its use in administering and enforcing this article and conducting investigations and taking enforcement action against persons violating this article.

(f) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the Indiana professional licensing agency shall present the memorandum of understanding annually to the board for review.

SECTION 21. IC 25-2.1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), an individual or a firm not holding a valid CPA or public accountant certificate under this article or permit under IC 25-2.1-5 may not issue a report on financial **or attested** statements of another individual, member, organization, or governmental unit.

(b) Notwithstanding subsection (a):

(1) an officer, a partner, or an employee of a firm or an organization may sign a statement or report in reference to the financial affairs of the firm or organization with any wording designating the position, title, or office that the signor holds; and

(2) a public official or employee may, in the performance by an individual of other services, use accounting skills, including the

preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports related to those documents.

(c) A CPA or public accountant may not issue a report in standard form upon a compilation of financial information through any form of business that does not hold a valid permit issued under IC 25-2.1-5 unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

(1) signs the compilation report identifying the individual as a CPA or public accountant; and

(2) meets the competency requirement provided in applicable standards.

SECTION 22. IC 25-2.1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual may not use the title or designation "certified public accountant", the abbreviation "CPA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a certified public accountant unless the individual:

(1) holds a valid CPA certificate;

(2) meets the substantial equivalency standards of this article; or

(3) is an employee of a firm holding a permit under IC 25-2.1-5 and has not been an employee long enough to meet the experience requirement under IC 25-2.1-3-10 for a certificate.

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "certified public accountant" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "inactive".

(c) A licensee who has selected retired status on the renewal form of the licensee may not use the title or designation "certified public account" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "retired".

SECTION 23. IC 25-2.1-13-3, AS AMENDED BY P.L.190-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An individual or a firm who knowingly violates IC 25-2.1-12 commits a Class A misdemeanor.

(b) If the board finds that an individual or a firm ~~knowingly~~ violates IC 25-2.1-12 or a rule or order established by the board under this

section, the board may impose a civil penalty of not more than twenty-five thousand dollars ($25,000) per violation. Penalties collected under this section shall be deposited in the accountant investigative fund established by IC 25-2.1-8-4.

SECTION 24. IC 25-15-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The funeral service education fund is established for the following purposes:

(1) To supplement the funding for a program of inspection administered by the funeral director, consumer, and state department of health members of the board under section 9 of this chapter.

(2) To fund educational projects of the funeral director, consumer, and state department of health members of the board directed toward funeral directors and embalmers.

(3) To carry out the duties of the board.

(b) The fund shall be administered by the funeral director, consumer, and state department of health members of the board.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the amount of money in the fund at the close of a fiscal year exceeds forty thousand dollars ($40,000), the treasurer of state shall transfer the excess from the fund into the state general fund.

SECTION 25. IC 25-20.2-5-2, AS AMENDED BY P.L.216-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and

(C) has not been:

(i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(ii) convicted of a crime that has a direct bearing on the

individual's ability to perform competently and fully as a licensee;

(iii) listed on a national or state registry of sex or violent offenders; or

(iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors.

(2) Verify the information submitted on the application form.

(3) Complete a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports and pass an examination prescribed or approved by the board.

(4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:

(A) is issued by an insurance company or other legal entity authorized to transact business in Indiana;

(B) provides for general liability coverage of at least one hundred thousand dollars ($100,000);

~~(C) lists the state as an additional insured;~~

~~(D)~~ **(C)** states that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal; and

~~(E)~~ **(D)** contains any other terms and conditions established by the board.

(5) Pay a licensing fee established by the board.

(b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.

SECTION 26. IC 25-21.8-4-2, AS AMENDED BY P.L.107-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An individual who applies for certification as a massage therapist must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has a high school diploma or the equivalent of a high

school diploma;

(C) has successfully completed a massage therapy school or program that:

(i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the state workforce innovation council under IC 22-4.1-21 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a certification examination approved by the board.

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(3) Provide proof that the applicant **currently** has professional liability insurance. ~~in force that lists the state as an additional insured.~~

(4) Verify the information submitted on the application form.

(5) Pay fees established by the board.

SECTION 27. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013, SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who *knowingly or intentionally* violates this article by unlawfully practicing medicine or osteopathic medicine commits a *Class C* **felony (for a crime committed before July 1, 2014) or a** *Level 5* felony **(for a crime committed after June 30, 2014).**

(b) A person who, *before* ~~*January*~~ **July** 1, ~~2014,~~ **2015,** practices midwifery without the license required under this article commits a *Class D* **felony (for a crime committed before July 1, 2014) or a** *Level 6* felony **(for a crime committed after June 30, 2014).**

(c) A person who *knowingly or intentionally* acts as a physician assistant without the license required under IC 25-27.5 commits a *Class D* **felony (for a crime committed before July 1, 2014) or a** *Level 6* felony **(for a crime committed after June 30, 2014).**

SECTION 28. IC 25-23.4-3-1, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife and is practicing within the scope of that license.

(b) After July 1, 2014, an individual may not engage in the practice of midwifery unless:

(1) the individual is issued a certificate by a board under IC 25-1-5 and is acting within the scope of the person's license; or

(2) the individual has a certified direct entry midwife certificate under this article and has a collaborative agreement with a physician as set forth in this article.

(c) To become certified as a certified direct entry midwife, an applicant must satisfy the following requirements:

(1) Be at least twenty-one (21) years of age.

(2) Possess at least:

(A) an associate degree in nursing, associate degree in midwifery accredited by the Midwifery Education Accreditation Council (MEAC), or other similar science related associate degree; or

(B) a bachelor's degree;

from a postsecondary educational institution.

(3) Satisfactorily complete educational curriculum approved by:

(A) the Midwifery Education Accreditation Council (MEAC) or a successor organization; or

(B) the educational equivalent of a Midwifery Education Accreditation Council curriculum approved by the board.

(4) Acquire and document practical experience as outlined in the Certified Professional Midwife credentialing process in

accordance with the standards of the North American Registry of Midwives or a successor organization.

(5) Obtain certification by an accredited association in adult cardiopulmonary resuscitation that is approved by the board.

(6) Complete the program sponsored by the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.

(7) Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional twenty (20) births, be directly supervised by a physician for twenty (20) births, assist with an additional twenty (20) births, and act as the primary attendant for an additional twenty (20) births.

(8) Provide proof to the board that the applicant has obtained the Certified Professional Midwife credential as administered by the North American Registry of Midwives or a successor organization.

(9) Present additional documentation or certifications required by the board. The board may adopt standards that require more training than required by the North American Registry of Midwives.

(10) Maintain sufficient liability insurance.

(d) The board may exempt an applicant from the following:

(1) The education requirements in subsection (c)(2) if the applicant provides proof to the board that the applicant is enrolled in a program that will satisfy the requirements of subsection (c)(2). An exemption under this subdivision applies for an individual for not more than two (2) years. This subdivision expires June 30, 2016.

(2) The education requirements in subsection (c)(3) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014.~~ **June 30, 2015.**

(3) The requirement that a physician directly supervise twenty (20) births in subsection (c)(7) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014.~~ **June 30, 2015.**

SECTION 29. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After ~~July 1, 2014,~~ **June 30, 2015,** an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a ~~Class D felony~~ **Level 6 felony (for a crime committed after June 30, 2014).**

SECTION 30. IC 25-26-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A nonresident pharmacy must register with the board. To register with the board, a nonresident pharmacy must submit the following to the board:

(1) A verified statement that the nonresident pharmacy is licensed, certified, or registered to operate in the state in which the pharmacy is located.

(2) The location, names, and titles of all principal corporate officers and pharmacists who are dispensing drugs to residents of Indiana. This disclosure must be made on an annual basis. The nonresident pharmacy must notify the board within thirty (30) days after any change of office location, corporate officer, or pharmacist in charge.

(3) A verified statement that the nonresident pharmacy complies with all lawful requests for information from the regulatory or licensing agency of all states in which it is licensed.

(4) The latest inspection report or an equivalent document approved by the board, from the licensing authority of the state in which the nonresident pharmacy is located. However, if the nonresident pharmacy has not been inspected within the last three hundred sixty-five (365) days by the state in which the nonresident pharmacy and licensing authority are domiciled, or if the board determines that the home state inspection is not substantially equivalent to an Indiana

inspection or is not available, an inspection report from a:

(A) third party;

(B) healthcare accreditation body; or

(C) pharmacy accreditation body;

that is approved by the board, must be obtained and submitted by the nonresident pharmacy.

~~(4)~~ **(5)** Information requested and deemed necessary by the board to carry out this chapter.

~~(5)~~ **(6)** The fee required by IC 25-1-8 which shall be reasonable and not exceed the costs to the board.

SECTION 31. IC 25-28.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The plumbers recovery fund is established for:

(1) the purpose set out in this chapter; **and**

(2) carrying out the duties of the Indiana plumbing commission.

The fund shall be administered by the **Indiana** plumbing commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.2 of this chapter.

SECTION 32. IC 25-30-1-15, AS AMENDED BY P.L.185-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) An applicant for a private investigator firm license shall submit to the board a certificate of insurance or other evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.

(B) Provides for general liability coverage of at least one hundred thousand dollars ($100,000).

~~(C) Lists the state as an additional insured.~~

~~(D)~~ **(C)** States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility

is not effective until the board receives written notice at least ten (10) days before the cancellation or nonrenewal of the policy.

~~(E)~~ **(D)** Contains any other terms and conditions established by the board.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private investigator firm;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

SECTION 33. IC 25-30-1.3-16, AS ADDED BY P.L.185-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) An applicant for a security guard agency license must submit to the board a certificate of insurance or other

evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.

(B) Provides for general liability coverage of at least one hundred thousand dollars ($100,000).

~~(C) Lists the state as an additional insured.~~

~~(D)~~ **(C)** States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal of the policy.

~~(E)~~ **(D)** Contains any other terms and conditions established by the board.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard agency;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if the injury arises solely from the use of reasonable force to protect persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of

the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

SECTION 34. IC 25-38.1-1-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10.7. "PAVE certificate" means a certificate issued by the Program for the Assessment of Veterinary Medical Education Equivalence, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.**

SECTION 35. IC 25-38.1-3-1, AS AMENDED BY P.L.177-2009, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person may not practice veterinary medicine in Indiana unless the person:

(1) is licensed as a veterinarian in Indiana; or

(2) holds a special permit issued by the board.

(b) The following persons are exempt from the licensing or special permit requirements of this chapter:

(1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing regular duties, or a veterinarian employed by the animal disease diagnostic laboratory established by IC 21-46-3-1 performing regular duties.

(2) A veterinary medical officer serving in the United States armed forces or veterinarian employed by a federal, state, or local government agency performing veterinary medical services that are within the scope of official duties and are performed during the period of the person's service.

(3) An individual who is a regular student in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University or working under the direct supervision of a licensed veterinarian.

(4) An extern.

(5) A veterinarian who is licensed and is a resident in another

state or country and consults with a veterinarian licensed under this article.

(6) An owner or a contract operator of an animal or a regular employee of the owner or a contract operator caring for and treating an animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.

(7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.

(8) An individual while engaged in bona fide scientific research that:

(A) reasonably requires experimentation involving animals; and

(B) is conducted in a facility or with a company that complies with federal regulations regarding animal welfare.

(9) A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate **or a PAVE certificate** and who is under the direct supervision of:

(A) the faculty of the School of Veterinary Medicine at Purdue University; or

(B) a veterinarian licensed under this article.

(10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University.

(11) A member in good standing of another licensed or regulated profession within Indiana who:

(A) provides assistance requested by a veterinarian licensed under this article;

(B) acts with the consent of the client;

(C) acts within a veterinarian-client-patient relationship; and

(D) acts under the direct or indirect supervision of the licensed veterinarian.

SECTION 36. IC 25-38.1-3-3, AS ADDED BY P.L.2-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this subsection, "term" refers to an academic semester, trimester, or quarter. A person desiring a license to practice veterinary medicine shall make written application to the

board. The application must state that the applicant is:

(1) a graduate of an accredited college of veterinary medicine; or

(2) enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.

If the applicant is enrolled as a last term student as described in subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the student must accompany the application. A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished to the board either that the applicant has graduated from an accredited college of veterinary medicine, or that the applicant is the holder of an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate **or a PAVE certificate.** The application must show reasonable information and proof required by the board by rule. The application must be accompanied by the required fee.

(b) If the board determines that the applicant possesses the proper qualifications, the board may grant the applicant a license. If the board determines that the applicant is not qualified to take the examination or that the applicant does not qualify for a license without examination, the executive secretary of the board shall immediately notify the applicant in writing of the finding and the grounds for the finding. Applicants found unqualified may request a hearing on the question of their qualifications.

SECTION 37. IC 25-38.1-3-5, AS ADDED BY P.L.2-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The board may issue a license without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant:

(A) is a graduate of an accredited college of veterinary medicine; ~~or~~

(B) holds an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate; **or**

(C) holds a PAVE certificate;

(2) for the five (5) years immediately preceding filing an application has been a practicing veterinarian licensed in a state,

territory, or district of the United States that has license requirements substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

SECTION 38. IC 30-2-13-29, AS AMENDED BY P.L.65-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) Money in the fund may be used to provide restitution to a seller who performs a defaulted contract, to a purchaser, or to a purchaser's estate for pecuniary loss arising from a trust or an escrow required by:

(1) this chapter;

(2) IC 23-14-49-1;

(3) IC 30-2-9; or

(4) IC 30-2-10.

The repeal of a statute cited in this subsection does not terminate the ability of a party to a contract made under the repealed statute to receive restitution under this chapter.

(b) The purchaser, seller, or other interested person must request restitution by filing a verified complaint with the board.

(c) The board may investigate any verified complaint. Within ~~sixty (60)~~ **one hundred eighty (180)** days after a verified complaint is filed, the board shall determine if a seller has defaulted on a contract. If the seller's obligation to perform under the contract cannot be collected from the seller, the board ~~shall~~ **may** order the auditor of state to make restitution from the fund.

(d) The amount of restitution may not exceed the gross amount of the original contract plus interest, compounded annually, on the gross amount that is figured, for each year or part of a year for which restitution is owed, using the lesser of:

(1) the rate set forth in IC 24-4.6-1-101 in effect on January 1 of each year; or

(2) the monthly average yield on United States Treasury Securities for the month of January of each year, adjusted to a constant maturity of one (1) year, as published by the Federal Reserve.

(e) The fund may not be charged with court costs or the payment of legal or other fees. In computing the amount of restitution, the board shall give credit for:

(1) merchandise delivered; and

(2) resources still existing in trust.

~~(e)~~ **(f)** When restitution is paid from the fund, the fund is subrogated to the amount of the restitution, and the board shall ask the attorney general to take all reasonable steps to collect the subrogated amount from the seller. Any amount collected shall be deposited in the fund.

~~(f)~~ **(g)** Money in the fund may only be used for a purpose that is specified in this section.

~~(g)~~ **(h)** The payment of restitution from the fund is not a right, and a purchaser does not have a vested right in the fund as a beneficiary of the fund.

~~(h)~~ **(i)** The status of the fund shall be annually reviewed by the board. If the board determines during its annual review that the fund balance equals or exceeds two million five hundred thousand dollars ($2,500,000), the board shall suspend payments to the fund until after the next annual review that the board determines that the fund balance is less than two million five hundred thousand dollars ($2,500,000).

SECTION 39. IC 35-48-7-13.1, AS AMENDED BY P.L.114-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.1. (a) The controlled substances data fund is established to fund the ~~operation~~ **administration** of the INSPECT program. The fund shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of grants, public and private financial assistance, and the controlled substances registration fees imposed under rules adopted under IC 35-48-3-1.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 40. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "agency" refers to the Indiana professional licensing agency.**

(b) Before October 1, 2014, the agency shall submit a report to the legislative council in an electronic format under IC 5-14-6 to establish a process to allow individuals employed in an occupation

who meet certain requirements to certify to the agency the individual's qualifications to be included on a list maintained by the agency.

(c) The report required in subsection (b) must include the following:

(1) Occupations that may be included on the list.

(2) Whether to provide title protection for the individuals included on the list.

(3) Enforcement provisions that would be used.

(4) A description of auditing and maintenance of the list.

(5) The cost of establishing and maintaining a list.

(6) The cost of an individual applying for and renewing inclusion on the list.

(d) This SECTION expires December 31, 2014.

SECTION 41. **An emergency is declared for this act.**

P.L.113-2014
[H.1005. Approved March 25, 2014.]

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

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

SECTION 1. IC 4-1-7.1-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) For purposes of this section, "Accord" refers to the Midwest Greenhouse Gas Reduction Accord signed on November 15, 2007.**

(b) Notwithstanding any other law, rule, or regulation, the participation of the state of Indiana in the Accord in any capacity, including as a signatory or an observer to the Accord, terminates not later than the date on which the elected official who signed the

Accord on behalf of the state of Indiana ceases to hold office.

SECTION 2. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years).

SECTION 3. IC 4-10-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If the amount of money in the underground petroleum storage tank excess liability **trust** fund established by IC 13-23-7-1 reaches zero (0), ten million dollars ($10,000,000) shall be transferred to the underground petroleum storage tank excess liability **trust** fund from the fund if the:

(1) underground petroleum storage tank financial assurance board recommends that the appropriation should be made; and

(2) budget committee approves the appropriation.

SECTION 4. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9.4. The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:~~

~~(1) Evansville State Hospital for recreational purposes; or~~

~~(2) an entity using part of the property of the hospital with the permission of the hospital.~~

SECTION 5. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2.5. (a) This section applies to real property that is part of Evansville State Hospital.~~

~~(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property.~~

SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

(1) A resident of Indiana who is a victim of a violent crime committed:

(A) in Indiana; or

(B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.

(2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.

(3) A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(8) A person who is injured or killed while giving aid and assistance to:

(A) a law enforcement officer in the performance of the officer's lawful duties; or

(B) a member of a fire department who is being obstructed from performing lawful duties.

~~(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.~~

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.

(c) An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars ($100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:

(A) medical, chiropractic, hospital, dental, optometric, and ambulance services;

(B) prescription drugs; and

(C) prosthetic devices;

that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

(A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or

(B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.

(4) Reasonable expense incurred for child care, not to exceed one thousand dollars ($1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars

($5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars ($3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~

~~(9)~~ **(8)** Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

(1) the victim or the victim's representative requests the extension; and

(2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

(1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);

(2) was under eighteen (18) years of age at the time of the alleged crime; and

(3) did not reveal the crime within two (2) years after the date of the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the ~~victim or~~ claimant to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the ~~victim or~~ claimant initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the ~~victim or~~ claimant shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the ~~victim. or~~ claimant.

(b) The state may:

(1) recover the amount under subsection (a) in a separate action; or

(2) intervene in an action brought by or on behalf of the ~~victim. or~~ claimant.

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

(1) a

~~(A)~~ violent crime ~~or~~

~~(B) crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~

was committed;

(2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~

(3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19 of this chapter are met; and

(4) out-of-pocket loss exceeded one hundred dollars ($100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

(1) Benefits from public or private pension programs, including Social Security benefits.

(2) Benefits from proceeds of an insurance policy.

(3) Benefits under IC 22-3-2 through IC 22-3-6.

(4) Unemployment compensation benefits.

(5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

(1) The amount of court ordered restitution actually received by the ~~victim or~~ claimant from the offender.

(2) Benefits actually received by the ~~victim or~~ claimant from a third party on behalf of the offender.

(c) The division shall determine whether the ~~victim or~~ claimant vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a ~~victim or~~ claimant has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the ~~victim or~~ claimant through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the ~~victim or~~ claimant for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal, in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal, in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death, the division may deny an award.

(c) If the division further finds that the **victim's** contributory conduct was solely attributable to an effort to:

(1) prevent a crime from occurring; or

(2) apprehend a person who committed a crime;

in the victim's presence, the **victim's** contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation.

SECTION 13. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

(1) the full amount of the unpaid tax due if the person failed to file the return;

(2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return; or

(3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous

fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return.

SECTION 14. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C ~~misdemeanor~~ **infraction** for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

~~(b) In addition to the penalty under subsection (a), a minor who:~~

~~(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or~~

~~(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;~~

~~shall have the minor's driver's license, permit, or driving privileges suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

~~(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).~~

SECTION 15. IC 8-1-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 89. (a) As used in this section, unless the context otherwise requires, the following terms have the following meanings:

(1) "Sewage disposal service" means any public utility service whereby liquid and solid waste, sewage, night soil, and industrial waste of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner, and includes all sewage treatment plant or plants, main sewers, submain sewers, local and lateral sewers, intercepting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other equipment and appurtenances necessary or useful and convenient for the rendition of such service.

(2) "Sewage disposal company" means any natural person, firm, association, corporation, or partnership owning, leasing, or operating any sewage disposal service within the rural areas of this state, and all provisions of this chapter pertaining to a public utility shall apply with equal force and effect to a sewage disposal company, except insofar as said provisions may be inconsistent with specific provisions of this section.

(3) "Rural area" means territory lying within the state of Indiana and lying outside the corporate limits of a municipality.

(4) "Certificate of territorial authority" means a certificate of convenience and necessity issued by the commission pursuant to this section, which said certificate shall be deemed an indeterminate permit, unless expressly conditioned otherwise by the commission when issued.

(5) "Notice of hearing" means notice of the time, place, and purpose of a hearing, given by publication in at least one (1) newspaper of general circulation in each of the counties in which the particular sewage disposal company operates or proposes to operate and given also in writing by United States registered mail:

(A) to each other sewage disposal company operating in territory contiguous to the territory in which the particular sewage disposal company operates or proposes to operate;

(B) to each municipality in territory contiguous and nearest to the territory in which the particular sewage disposal company operates or proposes to operate; and

(C) to such other persons or entities which the commission may from time to time require by its rules and forms;

all such notices shall be so mailed as to be received by the recipients at least ten (10) days prior to any hearing, or as

otherwise required by the commission.

(b) It is hereby declared to be in the public interest to provide for the orderly development and rendering of sewage disposal service in rural areas within the state of Indiana, and such public interest makes it necessary and desirable that to the extent provided herein the holding of a certificate of territorial authority should be required as a condition precedent to the rendering of such service, and that such operation be under the control, regulation, and supervision of the commission, and such sewage disposal companies shall not be subject to regulation by any municipality or county government or metropolitan regulatory body, or any branch or subdivisions thereof or substitute therefor in the form of special service districts, with the exception that said sewage disposal company shall be subject to the comprehensive plan, zoning, and subdivision requirements and regulations of the governmental units having jurisdiction in the area. However, all functions, powers, and duties of the state department of health and the ~~water pollution control~~ **environmental rules** board shall remain unaffected by this section.

(c) No sewage disposal company shall commence the rendering of sewage disposal service in any rural area in the state of Indiana in which it is not actually rendering sewage disposal service, without first obtaining from the commission a certificate of territorial authority authorizing such sewage disposal service, finding that public convenience and necessity require such sewage disposal service within such rural area by such sewage disposal company, and defining and limiting specifically the rural area covered thereby. No sewage disposal company hereby required to hold such a certificate shall render any additional sewage disposal service within such rural area to any extent greater than that authorized by such certificate or shall continue to render sewage disposal service within such rural area if and after such certificate of territorial authority has been revoked or transferred as in this section provided, unless in such order of revocation or transfer the commission shall require continued service until a new sewage disposal company or municipality actually takes over such service. The commission shall not have the power to require extension of such service by any sewage disposal company into any additional territory than that defined and limited in such a certificate without the consent of such sewage disposal company.

(d) Whenever any sewage disposal company proposes to commence

the rendering of sewage disposal service in any rural area, it shall file with the commission a verified application for a certificate of territorial authority to cover the proposed service. The commission shall by rule prescribe the form of the application and the information to be contained therein, and such application by any such company shall conform to such prescribed form. The commission shall set the matter for hearing and notice of such hearing shall be given to the parties and in the manner defined in this section. Any city may, and upon petition to the commission shall, be made a party to any service proposal if its territorial limits lie within five (5) miles of the area to be serviced under this section.

(e) If, after notice of hearing and hearing on any application for a certificate of territorial authority, the commission shall find from the evidence introduced at such hearing, including any evidence which the commission shall have caused to be introduced as a result of any investigation which it may have made into the matter, that the applicant has proved:

(1) lawful power and authority to apply for said certificate and to operate said proposed service;

(2) financial ability to install, commence, and maintain said proposed service; and

(3) public convenience and necessity require the rendering of the proposed service in the proposed rural area by this particular sewage disposal company; however, in the event the service is proposed for a proposed rural real estate addition, division, or development, or any part thereof, the reasonably expected sewage disposal service requirements of the anticipated residents may be found to constitute such public convenience and necessity;

then the certificate of territorial authority, defining and limiting the rural area to be covered thereby, shall be granted to the applicant, subject to such terms, restrictions, limitations, and conditions, including but not limited to a reasonable time in which to commence operations, as the commission shall determine to be necessary and desirable in the public interest.

(f) In cases of applications filed by two (2) or more sewage disposal companies seeking the issuance of a certificate of territorial authority for the same area or areas or any conflicting portions thereof, the commission may either consider such applications separately or by

consolidation of two (2) or more or all within a single hearing at its discretion and shall have the power to issue its certificate after notice of hearing and hearing to any single qualified sewage disposal company for a particular rural area, or, in the event that the commission determines and finds that two (2) or more or all applicants seeking the same area or areas or any conflicting portions thereof are both or all qualified, then the commission shall have the power to determine which is the better or best qualified, or whether the same area or areas or any conflicting portions thereof shall be divided between or among such qualified applicants. However, in no event shall such area or areas or portions thereof be greater than that for which the particular applicant applied, unless such sewage disposal company shall consent and agree in writing to such modification of its application and the issuance of such modified certificate.

(g) After the issuance of such certificate, no other sewage disposal company shall render sewage disposal service in the area or areas so determined and so defined in any certificate of territorial authority issued by the commission, except after notice of hearing and hearing, and the determination and finding by the commission that public convenience and necessity require that sewage disposal service in said same area or areas be also rendered or offered by an additional or another company, and the issuance of a certificate duly granted by the commission as provided in this section.

(h) A sewage disposal company shall be required to furnish reasonable adequate sewage disposal services and facilities for which said service and facilities it shall be entitled to charge reasonable, nondiscriminatory rates, subject to the jurisdiction of the commission for the purpose of fixing said rates to be charged to patrons of such sewage disposal company for sewage disposal service, and for such purpose the commission is given jurisdiction to proceed in the same manner and with like power as is provided by this chapter in the case of public utilities.

(i) To encourage the installation of sewage treatment plants, and sewers, mains, stations, and all other equipment and appurtenances for rendering sewage disposal service in rural areas in close proximity to municipalities, and to ensure that a sewage disposal company which had made such installation in such area can recover the cost of its investment, in the event that the area or areas or any part thereof

included within the territory granted under a certificate of territorial authority shall be annexed by any municipality at any time within twelve (12) years from the date that such certificate was granted, a sewage disposal company operating under such certificate shall continue to operate under such certificate of territorial authority, subject to the exclusive jurisdiction and regulation of the commission, for the unexpired portion of such period of twelve (12) years from the date of granting such certificate, or, in the case of a determinate permit specifying a term shorter than twelve (12) years, then for the unexpired portion of such lesser period as specified by such permit from the date of granting such permit. However, the foregoing provisions in regard to continued operation within the corporate limits of a municipality after annexation shall not affect the right of the sewage disposal company to cease its operation of providing sewage disposal service within such annexed territory prior to the termination of said twelve (12) year or lesser determinate permit period, upon thirty (30) days written notice to the commission, the municipality, and all patrons.

(j) Upon approval by the commission given after notice of hearing and hearing, but not otherwise, any certificate of territorial authority may:

(1) be sold, assigned, leased, or transferred by the holder thereof to any sewage disposal company to which a territorial certificate might be lawfully issued; or

(2) be included in the property and rights encumbered under any indenture of mortgage or deed of trust of such holder;

or any sewage treatment plant or plants, sewers, mains, stations, and equipment and appurtenances for the rendering of sewage disposal service, or any part thereof, may be sold, assigned, leased, or transferred by the holder thereof to any municipality if these assets lie within an area which shall have been annexed by such municipality or lie within the given radius of miles from the corporate limits of such municipality into which it is authorized to render such services, if such municipality is prepared to render a comparable sewage disposal service without loss of continuity of service, and if the terms of such sale, assignment, lease, or transfer are reasonable. However, once the commission has given its approval to such transaction and the transaction itself is actually consummated, the commission shall have no control over the sewage disposal service henceforth rendered by

such municipality as a municipally owned utility (as defined in this chapter).

(k) Any certificate of territorial authority may, after notice of hearing and hearing, be revoked by the commission, in whole or in part, for the failure of the holder thereof to furnish reasonably adequate sewage disposal service within the area or areas determined and defined in such certificate of territorial authority, or for the failure of the holder thereof to comply with any applicable order or rule prescribed by the commission in the exercise of its powers under this chapter, or for failure to comply with any term, condition, or limitation of such certificate of territorial authority.

(l) After the commission revokes any certificate of territorial authority under subsection (k) or after the county board of health determines the existence of a serious health problem related to the sewage disposal facility, the county commissioners of the county in which the sewage disposal facility is located may acquire the facility, subject to the approval of the acquisition by the county council, except that the county commissioners may not acquire any facility already acquired by any city or town. The county commissioners shall acquire the sewage disposal facility by:

(1) gift, grant, purchase, or condemnation that is funded in the same manner that cities and towns fund sewage treatment acquisitions under IC 36-9; or

(2) a lease arrangement that is funded in the same manner that cities and towns fund leases of sewage disposal facilities under IC 36-9.

After acquisition, the county commissioners shall repair, operate, and maintain the sewage disposal facility and charge user fees for these services.

SECTION 16. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 146. "Railroad" does not include street car.~~

SECTION 17. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 176. "Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.~~

SECTION 18. IC 9-13-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means pedestrians, ridden or herded animals, ~~street cars,~~ vehicles, and other

conveyances either singly or together while using any highway for purposes of travel.

SECTION 19. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 10. The motorman of a street car shall obey traffic control signals that are applicable to vehicles.~~

SECTION 20. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who violates section 7, 8, **or** 9 ~~or 10~~ of this chapter commits a Class C infraction.

SECTION 21. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who drives a vehicle ~~or street car~~ may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

SECTION 22. IC 9-21-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle ~~or street car~~ may not do the following:

(1) Ride in a position that interferes with the view ahead or to the

sides of the person who drives the vehicle. ~~or street car.~~

(2) Interfere with the person's control over the driving mechanism of the vehicle. ~~or street car.~~

SECTION 23. IC 9-21-12-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. Whenever a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or other school related activities, all markings on the school bus indicating "school bus" shall be covered or concealed.~~

SECTION 24. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. A street car or vehicle may not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or street car track to be used at a fire or alarm of fire without the consent of the fire department official in command.~~

SECTION 25. IC 9-21-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction. ~~A person who violates section 2 of this chapter commits a Class C misdemeanor.~~

SECTION 26. IC 9-21-12-11, AS AMENDED BY P.L.39-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who violates section 5, ~~6,~~ 7, or 19 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, **or** 16 ~~or 17~~ of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b) **or** 18(c) ~~or 18(d)~~ of this chapter commits a Class B infraction.

SECTION 27. IC 9-21-12-17 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:~~

~~(1) listen through an open door;~~

~~(2) look in both directions along the track for an approaching train or other on-track equipment; and~~

~~(3) look for signals indicating the approach of a train or other on-track equipment.~~

~~The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.~~

~~(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.~~

~~(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.~~

SECTION 28. IC 9-21-12-18, AS ADDED BY P.L.107-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose bus is ~~at a place of departure for~~ transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

(1) inhibits or obstructs an exit; or

(2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

~~(d) A school corporation or an entity that employs:~~

~~(1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or~~

~~(2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);~~

~~is subject to section 11(c) of this chapter.~~

SECTION 29. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. In addition to any other penalty, the bureau:~~

~~(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~

~~(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least~~

~~(1) year after the date of the person's conviction.~~

SECTION 30. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b),** the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a).

SECTION 31. IC 9-30-5-16, AS AMENDED BY HEA 1279-2014, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. (a) Except as provided in ~~subsections~~ **subsection** (b) ~~and (c)~~ and section 10 of this chapter, the court may, in granting specialized driving privileges under this chapter, also order that the specialized driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

~~(b) An order granting specialized driving privileges under IC 9-30-16 must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, a court is not required to order the installation of an ignition interlock device for a person if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.~~

~~(c)~~ **(b)** A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:

(1) Has been convicted of violating section 1 or 2 of this chapter.

(2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.

(3) Is subject to a labor agreement that prohibits an employee who

is convicted of an alcohol related offense from operating the employer's vehicle.

SECTION 32. IC 9-32-11-12.5, AS ADDED BY SEA 350-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12.5. (a) This section applies to licenses (other than wholesale dealer licenses) issued after December 31, 2014.

(b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:

(1) A license for a person whose business name begins with the letters A through B expires February 1 of each year.

(2) A license for a person whose business name begins with the letters C through D expires March 1 of each year.

(3) A license for a person whose business name begins with the letters E through F expires April 1 of each year.

(4) A license for a person whose business name begins with the letters G through H expires May 1 of each year.

(5) A license for a person whose business name begins with the letters I through J expires June 1 of each year.

(6) A license for a person whose business name begins with the letters K through L expires July 1 of each year.

(7) A license for a person whose business name begins with the letters M through N expires August 1 of each year.

(8) A license for a person whose business name begins with the letters O through P expires September 1 of each year.

(9) A license for a person whose business name begins with the letters Q through R expires October 1 of each year.

(10) A license for a person whose business name begins with the letters S through T expires November 1 of each year.

(11) A license for a person whose business name begins with the letters U through V expires December 1 of each year.

(12) A license for a person whose business name begins with the letters W through Z expires January 1 of each year.

A sole proprietor shall register based upon the name of the sole proprietorship.

(c) Notwithstanding subsection (b), a license issued in 2015 expires as follows:

License issued to a person

with a business name beginning with:	License expiration date:
A through B	February 1, 2016
C through D	March 1, 2016
E through F	April 1, 2016
G through H	May 1, 2016
I through J	June 1, 2016
K through L	July 1, 2016
M through N	August 1, 2016
O through P	September 1, 2016
Q through R	October 1, 2016
S through T	November 1, 2016
U through V	December 1, 2016
W through Z	January 1, 2017

This subsection expires January 2, 2017.

(d) This subsection expires December 31, 2017. For a license issued in 2015, the dealer services division shall impose a fee for the license under IC 9-29-17 in the amount that bears the same proportion to the annual fee for the license as the number of months the license is valid bears to twelve (12).

(e) A person who violates this section by operating on an expired license issued under this chapter commits a Class A infraction.

SECTION 33. IC 12-8-10-1, AS AMENDED BY P.L.146-2008, SECTION 383, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

(1) Money appropriated or allocated to a state agency from money received by the state under the federal Social Services Block Grant Act (42 U.S.C. 1397 et seq.).

(2) The division of aging, except this chapter does not apply to money expended under the following:

(A) The following statutes, unless application of this chapter is required by another subdivision of this section:

(i) IC 12-10-6.

(ii) IC 12-10-12.

(B) Epilepsy services.

(3) The division of family resources, for money expended under the following programs:

(A) The child development associate scholarship program.

(B) The dependent care program.

(C) Migrant day care.

(D) The commodities program.

(E) The migrant nutrition program.

(F) Any emergency shelter program.

(G) The energy weatherization program.

~~(H) Programs for individuals with developmental disabilities.~~

(4) The state department of health, for money expended under the following statutes:

(A) IC 16-19-10.

(B) IC 16-38-3.

(5) The group.

(6) All state agencies, for any other money expended for the purchase of services if all the following apply:

(A) The purchases are made under a contract between the state agency and the office of the secretary.

(B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.

(C) The contract is approved by the budget agency.

(7) The division of mental health and addiction.

SECTION 34. IC 12-8-10-9, AS AMENDED BY P.L.181-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Each grantee agency receiving money under a contract covered by this chapter shall maintain sufficient records to show the following:

(1) The actual cost of services provided under the contract.

(2) The nature and amount of services provided under the contract.

(b) At least every two (2) years the group shall, in the manner prescribed by the state board of accounts, conduct audits of all grantee agencies that, under a contract under this chapter, receive payment from any of the money described in section 1(2) ~~or 1(3)(J)~~ of this chapter. These audits must include an investigation of the records of the grantee agencies to determine whether the services rendered under

the contracts have been in compliance with the terms of the contracts.

(c) This section does not prohibit the state board of accounts from auditing grantee agencies under the board's own authority. The office of the secretary may do either of the following:

(1) Contract with the state board of accounts to conduct audits of grantee agencies.

(2) Require grantee agencies to obtain independent audits of their agencies.

(d) A contract between a state agency and the office of the secretary under section (1)(6) of this chapter may include a provision requiring the group to perform or arrange for the audits described by this section.

SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

(1) Providing for prior review and approval of medical services.

(2) Specifying the method of determining the amount of reimbursement for services.

(3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).

(4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:

(A) The services claimed cannot be documented by the provider.

(B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.

(C) The amount claimed for the services has been or can be paid from other sources.

(D) The services claimed were provided to a person other than the person in whose name the claim is made.

(E) The services claimed were provided to a person who was not eligible for Medicaid.

(F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.

(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(C) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an administrative proceeding.

(7) Paying interest to providers:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

(A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.

(B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.

(C) Audits may be conducted by the office after service has been provided and after reimbursement has been made.

(D) Reimbursement for services may be recovered if an audit conducted under clause (C) concludes that the money reimbursed should be recovered.

SECTION 36. IC 12-23-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This article does not repeal or modify Indiana law relating to the operation of a vehicle under the influence of liquor or drugs.

(b) IC 12-23-5 ~~IC 12-23-6, IC 12-23-7, IC 12-23-8,~~ and any other related provisions of this article shall be considered to be alternative methods or procedures for the prosecution of alcoholics or drug abusers as criminals.

SECTION 37. IC 12-23-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Request for Treatment After Charge or Conviction of Certain Felonies).

SECTION 38. IC 12-23-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Continuance of Prosecution After Felony Charge).

SECTION 39. IC 12-23-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Treatment and Probation Following Felony Conviction).

SECTION 40. IC 12-23-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual who by medical examination is found to be incapacitated by alcohol at the time of admission or to have become incapacitated by alcohol at any time after admission may not be detained at a facility:

(1) after the individual is no longer incapacitated by alcohol; or

(2) if the individual remains incapacitated by alcohol for more than forty-eight (48) hours after admission as a patient. ~~unless the individual is committed under IC 12-23-7 through IC 12-23-8.~~

(b) An individual may consent to remain in a facility as long as the physician in charge believes it is appropriate.

SECTION 41. IC 12-23-10 IS REPEALED [EFFECTIVE JULY 1,

2014]. (Voluntary Treatment by Division for Drug Abusers).

SECTION 42. IC 12-23-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Involuntary Treatment by Division for Alcoholics and Drug Abusers).

SECTION 43. IC 12-24-12-10, AS AMENDED BY P.L.188-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

(1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.

(2) For an individual with a developmental disability, a division of disability and rehabilitative services service coordinator under IC 12-11-2.1.

(b) The division is the gatekeeper for the following:

(1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.

(2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.

(3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony (as defined by IC 35-31.5-2-138).

~~(4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.~~

~~(5)~~ **(4)** An individual transferred from the department of correction under IC 11-10-4.

SECTION 44. IC 13-11-2-40, AS AMENDED BY P.L.189-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. "Confined feeding operation" means:

(1) any confined feeding of:

(A) at least three hundred (300) cattle;

(B) at least six hundred (600) swine or sheep;

(C) at least thirty thousand (30,000) fowl; or

(D) at least five hundred (500) horses.

(2) any animal feeding operation electing to be subject to IC 13-18-10; or

(3) any animal feeding operation that is causing a violation of:

(A) water pollution control laws;

(B) any rules of the ~~water pollution control~~ board; or

(C) IC 13-18-10.

A determination by the department under this subdivision is appealable under IC 4-21.5.

SECTION 45. IC 13-11-2-56 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 56. "Disclosure document", for purposes of IC 13-25-3, means a document that sets forth certain information about a property that is to be transferred.~~

SECTION 46. IC 13-11-2-70 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 70. (a) "Environmental defect", for purposes of IC 13-25-3, means an environmentally related commission, omission, activity, or condition that meets at least one (1) of the following conditions:~~

~~(1) Constitutes a material violation of an environmental:~~

~~(A) statute;~~

~~(B) regulation; or~~

~~(C) ordinance.~~

~~(2) Would require remedial activity under an environmental:~~

~~(A) statute;~~

~~(B) regulation; or~~

~~(C) ordinance.~~

~~(3) Presents a substantial endangerment to at least one (1) of the following:~~

~~(A) The public health.~~

~~(B) The public welfare.~~

~~(C) The environment.~~

~~(4) Would have a material, adverse effect on the market value of the property or of an abutting property.~~

~~(5) Would prevent or materially interfere with another party's ability to obtain a permit or license that is required under an environmental:~~

~~(A) statute;~~

~~(B) regulation; or~~

~~(C) ordinance;~~

~~to operate the property or a facility or process on the property.~~

~~(b) The term does not include a condition that is the subject of a voluntary remediation that received a certificate of completion from the department under IC 13-25-5-16.~~

SECTION 47. IC 13-11-2-74.5, AS AMENDED BY P.L.241-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18 and environmental management laws, means an isolated wetland that:

(1) is a voluntarily created wetland unless:

(A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act or IC 13-18-22;

(B) the wetland is reclassified as a state regulated wetland under IC 13-18-22-6(e); or

(C) the owner of the wetland declares, by a written instrument:

(i) recorded in the office of the recorder of the county or counties in which the wetland is located; and

(ii) filed with the department;

that the wetland is to be considered in all respects to be a state regulated wetland;

(2) exists as an incidental feature in or on:

(A) a residential lawn;

(B) a lawn or landscaped area of a commercial or governmental complex;

(C) agricultural land;

(D) a roadside ditch;

(E) an irrigation ditch; or

(F) a manmade drainage control structure;

(3) is a fringe wetland associated with a private pond;

(4) is, or is associated with, a manmade body of surface water of any size created by:

(A) excavating;

(B) diking; or

(C) excavating and diking;

dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;

(5) subject to subsection (c), is a Class I wetland with an area, as delineated, of one-half (1/2) acre or less;

(6) subject to subsection (d), is a Class II wetland with an area, as delineated, of one-fourth (1/4) acre or less;

(7) is located on land:

(A) subject to regulation under United States Department of Agriculture wetland conservation programs, including Swampbuster and the Wetlands Reserve Program, because of voluntary enrollment in a federal farm program; and

(B) used for agricultural or other purposes allowed under the programs referred to in clause (A); or

(8) is constructed for reduction or control of pollution.

(b) For purposes of subsection (a)(2), an isolated wetland exists as an incidental feature:

(1) if:

(A) the owner or operator of the property or facility described in subsection (a)(2) does not intend the isolated wetland to be a wetland;

(B) the isolated wetland is not essential to the function or use of the property or facility; and

(C) the isolated wetland arises spontaneously as a result of damp soil conditions incidental to the function or use of the property or facility; and

(2) if the isolated wetland satisfies any other factors or criteria established in rules that are:

(A) adopted by the ~~water pollution control~~ board; and

(B) not inconsistent with the factors and criteria described in subdivision (1).

(c) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and

(2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this subsection.

(d) The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and

(2) thirty-three and one-third percent (33 1/3%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.

(e) An isolated wetland described in subsection (a)(5) or (a)(6) does not include an isolated wetland on a tract that contains more than one (1) of the same class of wetland until the owner of the tract notifies the department that the owner has selected the isolated wetland to be an exempt isolated wetland under subsection (a)(5) or (a)(6) consistent with the applicable limitations described in subsections (c) and (d).

SECTION 48. IC 13-11-2-96 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 96. (a) "Hazardous material", for purposes of IC 13-18-5, means any of the following:

(1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as in effect on January 1, 1990).

(2) A hazardous waste.

(3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as in effect on January 1, 1990).

(4) A substance that is on the list of extremely hazardous substances published by the Administrator of the United States Environmental Protection Agency under 42 U.S.C. 11002(a)(2).

(5) A material that is identified by the ~~water pollution control~~ board as potentially harmful to surface water or groundwater if accidentally released from a storage or handling facility.

(b) "Hazardous material", for purposes of IC 13-25-6, means a material or waste that has been determined to be hazardous or potentially hazardous to human health, to property, or to the environment by:

(1) the United States:

(A) Environmental Protection Agency;

(B) Nuclear Regulatory Commission;

(C) Department of Transportation; or

(D) Occupational Safety and Health Administration; or

(2) the ~~solid waste management~~ board.

The term includes all of the hazardous materials identified in 49 CFR 172.101.

SECTION 49. IC 13-11-2-98 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 98. "Hazardous substance", for purposes of:

(1) IC 13-19-5;

(2) IC 13-25-4; and

(3) IC 13-25-5;

has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601). The term includes any substance that the ~~solid waste management~~ board determines to be hazardous under environmental management laws.

SECTION 50. IC 13-11-2-115.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 115.5. "Land trust", for purposes of IC 13-25-3, means a trust that is established under terms providing that:~~

~~(1) the trustee holds legal or equitable title to property;~~

~~(2) the beneficiary has the power to manage the trust property, including the power to direct the trustee to sell the property; and~~

~~(3) the trustee may sell the trust property:~~

~~(A) only at the direction of the beneficiary or other person; or~~

~~(B) after a time stipulated in the terms of the trust.~~

SECTION 51. IC 13-11-2-119 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 119. (a) "Lender", for purposes of IC 13-23-13, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires an underground storage tank as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

(b) "Lender", for purposes of IC 13-24-1, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires a

petroleum facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

~~(c) "Lender", for purposes of IC 13-25-3, means a person that provides loans secured by:~~

~~(1) an interest in property; or~~

~~(2) an assignment of beneficial interest in a land trust.~~

~~(d)~~ **(c)** "Lender", for purposes of IC 13-25-4, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires a vessel or facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

SECTION 52. IC 13-11-2-149.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.6. "Outstanding state resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means any water designated as such by the ~~water pollution control~~ board regardless of when the designation occurred or occurs.

Waters that may be considered for designation as outstanding state resource waters include water bodies that have unique or special ecological, recreational, or aesthetic significance.

SECTION 53. IC 13-11-2-152 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 152. (a) "Parties", for purposes of IC 13-25-3, refers to the parties to a transfer of property, which include the following:~~

~~(1) The transferor.~~

~~(2) The transferee.~~

~~(3) Each lender involved in the transfer.~~

~~(b) The term includes a person who intends to participate in a transfer of property as:~~

~~(1) a transferor;~~

~~(2) a transferee; or~~

~~(3) a lender.~~

SECTION 54. IC 13-11-2-158, AS AMENDED BY P.L.114-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;

(2) air pollution control laws;

(3) water pollution control laws; and

(4) environmental management laws, except as provided in subsections (c), (d), and (e);

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;
(2) IC 13-20-14;
(3) IC 13-20-16; and
(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of IC 13-20-17.5, ~~and IC 13-25-3,~~ means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

SECTION 55. IC 13-11-2-174 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 174. (a) "Property", for purposes of IC 13-25-3, means a specific and an identifiable parcel of real property that:~~

~~(1) contains one (1) or more facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022);~~

~~(2) is the site of one (1) or more underground storage tanks for which notification is required under:~~

~~(A) 42 U.S.C. 6991a; and~~

~~(B) IC 13-23-1-2(c)(8)(A); or~~

~~(3) is listed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616).~~

~~(b) The term does not include property that has been subject to bonding or other financial assurances released by the appropriate governmental agency after compliance with applicable state laws.~~

SECTION 56. IC 13-11-2-183, AS AMENDED BY P.L.221-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 183. "Regulated substance", for purposes of this

chapter and IC 13-23, includes the following:

(1) Any substance defined in section 98 of this chapter as a hazardous substance, but excluding any substance regulated as a hazardous waste under:

(A) Subtitle C of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6939(a)); or

(B) IC 13-22-2-3.

(2) Petroleum.

(3) Any other substance designated by rules adopted by the ~~solid waste management~~ board under IC 13-23-1-2.

SECTION 57. IC 13-11-2-205, AS AMENDED BY P.L.189-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 205. (a) "Solid waste", for purposes of IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

(1) solid or dissolved material in:

(A) domestic sewage; or

(B) irrigation return flows or industrial discharges;

that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(2) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

(3) manures or crop residues returned to the soil as fertilizers or soil conditioners as part of a total farm operation; or

(4) vegetative matter at composting facilities registered under IC 13-20-10.

(b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and IC 13-21, does not include the following:

(1) A waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

(2) An infectious waste (as defined in IC 16-41-16-4) that is

disposed of at an incinerator permitted under rules adopted by the ~~solid waste management~~ board to dispose of infectious waste.

(c) "Solid waste", for purposes of IC 13-26, means all putrescible and nonputrescible solid and semisolid wastes, except human excreta. The term includes garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

SECTION 58. IC 13-11-2-234 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 234. (a) "Transfer", for purposes of IC 13-25-3, means a conveyance of an interest in property by any of the following:~~

~~(1) A deed or other instrument of conveyance of fee title to property.~~

~~(2) A lease whose term, if all options were exercised, would be more than forty (40) years.~~

~~(3) An assignment of more than twenty-five percent (25%) of the beneficial interest in a land trust.~~

~~(4) A collateral assignment of a beneficial interest in a land trust.~~

~~(5) An installment contract for the sale of property.~~

~~(6) A mortgage or trust deed.~~

~~(7) A lease of any duration that includes an option to purchase.~~

~~(b) The term does not include a conveyance of an interest in property by any of the following:~~

~~(1) A deed or trust document that, without additional consideration:~~

~~(A) confirms;~~

~~(B) corrects;~~

~~(C) modifies; or~~

~~(D) supplements;~~

~~a deed or trust document that was previously recorded.~~

~~(2) A deed or trust document that, without additional consideration, changes title to property without changing beneficial interest.~~

~~(3) A tax deed or a deed from a county transferring property the county received under IC 6-1.1-25-5.5.~~

~~(4) An instrument of release of an interest in property that is security for a debt or other obligation.~~

~~(5) A deed of partition.~~

~~(6) A conveyance occurring as a result of the foreclosure of a~~

~~mortgage or other lien on real property.~~

~~(7) An easement.~~

~~(8) A conveyance of an interest in minerals, gas, or oil, including a lease.~~

~~(9) A conveyance by operation of law upon the death of a joint tenant with right of survivorship.~~

~~(10) An inheritance or devise.~~

~~(11) A deed in lieu of foreclosure.~~

~~(12) A Uniform Commercial Code sale or other foreclosure of a collateral assignment of a beneficial interest in a land trust.~~

~~(13) A deed that conveys fee title under an installment contract for the sale of property.~~

~~(14) A deed that conveys fee title under an exercise of an option to purchase contained in a lease of property.~~

SECTION 59. IC 13-11-2-236 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 236. (a) "Transferee", for purposes of IC 13-25-3, means any of the following:~~

~~(1) A buyer, mortgagee, grantee, or lessee of real property.~~

~~(2) An assignee of an interest of more than twenty-five percent (25%) in a land trust.~~

~~(3) For a transfer to the trustee of a land trust, the owners of the beneficial interest of the land trust.~~

~~(b) The term includes a prospective transferee.~~

SECTION 60. IC 13-11-2-237 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 237. (a) "Transferor", for purposes of IC 13-25-3, means any of the following:~~

~~(1) A seller, grantor, mortgagor, or lessor of real property.~~

~~(2) An assignor of an interest of more than twenty-five percent (25%) in a land trust.~~

~~(3) For a transfer by the trustee of a land trust, the owner of the beneficial interest of the land trust.~~

~~(b) The term includes a prospective transferor.~~

SECTION 61. IC 13-11-2-241, AS AMENDED BY SEA 217-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground storage tank", for purposes of section 161 of this chapter and IC 13-23, means one (1) tank or a combination of tanks:

(1) that is used to contain an accumulation of regulated

substances; and

(2) the volume of which, including the volume of the underground connected pipes described in subsection (b), is at least ten percent (10%) beneath the surface of the ground.

(b) If:

(1) a single tank; or

(2) a combination of tanks;

constitutes an underground storage tank under subsection (a), any underground pipes that are connected to the single tank or combination of tanks are also part of the underground storage tank.

(c) The term defined in subsection (a) includes a single tank:

(1) that meets the definition set forth in subsection (a); and

(2) in which there are separate compartments.

(d) The term does not include any of the following:

(1) A farm or residential tank with a capacity of not more than one thousand one hundred (1,100) gallons that is used for storing motor fuel for noncommercial purposes.

(2) A tank used for storing heating oil for consumptive use on the premises on which the tank is stored.

(3) A septic tank.

(4) A pipeline facility, including gathering lines, that:

(A) is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.);

(B) is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.); or

(C) is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (A) through (B).

(5) A surface impoundment, pit, pond, or lagoon.

(6) A stormwater or wastewater collection system.

(7) A flow-through process tank.

(8) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(9) A storage tank situated in an underground area such as:

(A) a basement;

(B) a cellar;

(C) a mineworking;

(D) a drift;

(E) a shaft; or

(F) a tunnel;

if the storage tank is situated upon or above the surface of the floor.

(10) Any other tank exempted by a rule adopted by the ~~solid waste management~~ board in accordance with regulations adopted by the Administrator of the United States Environmental Protection Agency.

(11) A pipe connected to a tank described in subdivisions (1) through (10).

SECTION 62. IC 13-14-8-0.3, AS ADDED BY P.L.220-2011, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.3. A rule **that:**

(1) was adopted by the solid waste management board **(established by IC 13-19-2, before its repeal)** before May 13, 1999; **and**

(2) ~~that~~ does not comply with IC 13-20-7-1 (as amended by P.L.224-1999 and before its repeal);

applies only to special waste that is disposed of at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258.

SECTION 63. IC 13-14-8-11.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.6. (a) A discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective:

(1) National Pollutant Discharge Elimination System (NPDES) industrial permit for direct discharges to surface water; or

(2) industrial waste pretreatment permit not issued by the department for discharges to a publicly owned treatment works.

(b) If a modification is for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, within thirty (30) days after commencement of operation, the discharger shall file with the department a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

(c) The ~~water pollution control~~ board shall adopt a general permit rule for the approval of sanitary collection system plans, lift station plans, and force main plans.

SECTION 64. IC 13-15-4-1, AS AMENDED BY P.L.223-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 2, 3, and 6 of this chapter, the commissioner shall approve or deny an application filed with the department after July 1, 1995, within the following number of days:

(1) Three hundred sixty-five (365) days for an application concerning the following:

(A) A new hazardous waste or solid waste landfill.

(B) A new hazardous waste or solid waste incinerator.

(C) A major modification of a solid waste landfill.

(D) A major modification of a solid waste incinerator.

(E) A new hazardous waste treatment or storage facility.

(F) A new Part B permit issued under 40 CFR 270 et seq. for an existing hazardous waste treatment or storage facility.

(G) A Class 3 modification under 40 CFR 270.42 to a hazardous waste landfill.

(H) A new solid waste processing facility other than a transfer station.

(2) Except as provided in IC 13-18-3-2.1, two hundred seventy (270) days for an application concerning the following:

(A) A Class 3 modification under 40 CFR 270.42 of a hazardous waste treatment or storage facility.

(B) A major new National Pollutant Discharge Elimination System permit.

(C) A major modification to a solid waste processing facility other than a transfer station.

(3) Except as provided in IC 13-18-3-2.1, one hundred eighty (180) days for an application concerning the following:

(A) A new transfer station or a major modification to a transfer station.

(B) A minor new National Pollutant Discharge Elimination System individual permit.

(C) A permit concerning the land application of a material.

(D) A permit for marketing and distribution of a biosolid or an industrial waste product.

(4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150) days for an application concerning a minor new National

Pollutant Discharge Elimination System general permit.

(5) One hundred twenty (120) days for an application concerning a Class 2 modification under 40 CFR 270.42 to a hazardous waste facility.

(6) Ninety (90) days for an application concerning the following:

(A) A minor modification to a permit for the following:

(i) A solid waste landfill.

(ii) A solid waste processing facility.

(iii) An incinerator.

(B) A wastewater facility or water facility construction permit.

(7) The amount of time provided for in rules adopted by the ~~air pollution control~~ board for an application concerning the following:

(A) An air pollution construction permit that is subject to 326 IAC 2-2 and 326 IAC 2-3.

(B) An air pollution facility construction permit (other than as defined in 326 IAC 2-2).

(C) Registration of an air pollution facility.

(8) Sixty (60) days for an application concerning the following:

(A) A Class 1 modification under 40 CFR 270.42 requiring prior written approval, to a hazardous waste:

(i) landfill;

(ii) incinerator;

(iii) treatment facility; or

(iv) storage facility.

(B) Any other permit not specifically described in this section for which the application fee exceeds forty-nine dollars ($49) and for which a time frame has not been established under section 3 of this chapter.

(b) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal permit under the rules of one (1) of the boards, the commissioner shall approve or deny the application on or before the expiration date stated in the permit for which renewal is sought.

SECTION 65. IC 13-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~air pollution control~~ board may adopt rules under IC 4-22-2 to provide that the opportunity for judicial review allowed under section 4 or 5 of this

chapter applies to the revision or modification of a permit or license under the operating permit program under 42 U.S.C. 7661 through 7661f.

SECTION 66. IC 13-15-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided in sections 2 and 4 of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

(1) Violation of any condition of the permit.

(2) Failure to disclose all of the relevant facts.

(3) Any misrepresentation made in obtaining the permit.

(4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.

(5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:

(A) The purposes of this title.

(B) Rules adopted by **the board or** one (1) of the **former** boards **abolished by IC 13-13-8-2.**

SECTION 67. IC 13-15-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Every twelve (12) months, the commissioner shall submit to the following a report that contains an evaluation of the actions taken by the department to improve the department's process of issuing permits:

(1) The governor.

(2) The general assembly. The report must be in an electronic format under IC 5-14-6.

(3) The ~~boards.~~ **board.**

SECTION 68. IC 13-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To establish fees or change the amount of a fee, ~~a~~ **the** board shall:

(1) follow the procedure required for the adoption of rules; and

(2) take into account:

(A) the cost of the issuance of a permit or license;

(B) the cost of the performance of services in connection with the supervision, review, and other necessary activities related

to the area involved;

(C) the cost of the surveillance of the activity or property covered by the license or permit; and

(D) fees charged for equivalent permits or licenses in other states.

SECTION 69. IC 13-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Notwithstanding sections 1 through 5 of this chapter or any other law, ~~a~~ **the** board or the department may not do any of the following:

(1) Except as provided in section 7 of this chapter, change a fee established by:

(A) IC 13-18-20;

(B) IC 13-20-21; or

(C) IC 13-22-12.

(2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:

(A) National Pollutant Discharge Elimination System programs.

(B) Solid waste programs.

(C) Hazardous waste programs.

(3) Require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 70. IC 13-18-3-12, AS AMENDED BY P.L.57-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The board shall adopt rules providing that whenever a person submits plans to a unit concerning the design or construction of:

(1) a sanitary sewer or public water main, if:

(A) a professional engineer who is registered under IC 25-31 prepared the plans;

(B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(C) all other requirements specified in rules adopted by the ~~water pollution control~~ board are met; or

(2) a sanitary sewer extension for and within a subdivision, if:

(A) a qualified professional surveyor who is registered under IC 25-21.5 prepared the plans;

(B) the subdivision is being laid out or having been laid out by the professional surveyor subject to IC 25-21.5-7;

(C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(D) all other requirements specified in rules adopted by the board are met;

the plans are not required to be submitted to any state agency for a permit, permission, or review, unless required by federal law.

SECTION 71. IC 13-18-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not use, sell, or otherwise dispose of any detergent containing phosphorus, except:

(1) for those amounts not exceeding one-half percent (0.5%) by weight incidental to manufacturing; and

(2) in accordance with rules adopted under IC 4-22-2 by the ~~water pollution control~~ board;

in Indiana or into the boundary waters of Indiana from a source within Indiana.

(b) The concentration of phosphorus shall be determined by the applicable method prescribed by the American Society for Testing and Materials.

SECTION 72. IC 13-18-17-5, AS AMENDED BY P.L.1-2006, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

(1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.

(2) To ban the discharge of effluents into potable groundwater.

(3) To establish health protection goals for untreated water in water supply wells.

(4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply

the groundwater quality standards established under this section to activities regulated by the agencies:

(1) The department.

(2) The department of natural resources.

(3) The state department of health.

(4) The office of the state chemist.

(5) The division of fire and building safety.

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the ~~Indiana water pollution control~~ board under subsection (a) to onsite sewage systems.

SECTION 73. IC 13-20-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. The ~~solid waste management~~ board may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 74. IC 13-20-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 75. IC 13-20-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A department employee designated as a landfill inspector for a county under this chapter shall monitor operations at every landfill in the county. The duties of the landfill inspector include the following:

(1) Promoting compliance with the rules of the ~~solid waste management~~ board governing landfill operations.

(2) Keeping records required by the rules of the board or ensuring that those records be kept.

(3) Investigating possible violations of:

(A) the rules of the board; or

(B) any statute;

governing landfill operation or solid waste disposal.

SECTION 76. IC 13-22-3-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department shall issue permits for a hazardous waste facility constructed and operated in compliance with rules adopted by the ~~solid waste management~~ board.

SECTION 77. IC 13-23-5-3, AS ADDED BY P.L.16-2009, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An underground storage tank system that contains fuel composed of greater than fifteen percent (15%) alcohol is considered to comply with section 1(b) of this chapter if either of the following applies:

(1) The system predates May 11, 2007.

(2) The system predates the **adoption by:**

(A) the solid waste management ~~board's~~ **board (established by IC 13-19-2, before its repeal); or**

(B) the environmental rules board; ~~adoption~~

after May 11, 2007, of any additional rules concerning technical and safety requirements for storing and dispensing alcohol blended fuel.

(b) Replacement tanks or ancillary equipment installed in existing underground storage tank systems storing or dispensing alcohol blended fuels must meet the standards contained in additional rules ~~adopted by the solid waste management board~~ as described in subsection (a)(2) **that were adopted by the solid waste management board before January 1, 2013, or are adopted by the environmental rules board** only if the installation occurs after the adoption of those rules.

SECTION 78. IC 13-23-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** The board consists of the following ~~sixteen (16)~~ **nine (9)** members:

(1) The commissioner or the commissioner's designee.

~~(2) The state fire marshal or the state fire marshal's designee.~~

~~(3) The~~ **(2) One (1) member nominated by the** treasurer of state ~~or the treasurer of state's designee.~~ **in consultation with**

~~(4)~~ the commissioner of the department of state revenue. ~~or the commissioner's designee.~~

~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~

~~(A)~~ **(3)** One (1) member representing the independent petroleum

wholesale distributor-marketer industry. **In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.**

~~(B)~~ **(4)** One (1) member representing the petroleum refiner-supplier industry. **In making this appointment, the governor may consider the recommendation of the Indiana petroleum council.**

~~(C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.~~

~~(D)~~ **(5)** One (1) member of the financial lending community who has experience with loan guaranty programs.

~~(E)~~ **(6)** One (1) member representing the convenience store operator industry **or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.**

~~(F)~~ **(7)** One (1) member representing environmental interests.

~~(G)~~ **(8)** One (1) member representing local government.

~~(H) Two (2) members representing the general public.~~

~~(I) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.~~

~~(J) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.~~

~~(K)~~ **(9)** One (1) member representing the property and casualty insurance industry.

(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.

SECTION 79. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

(1) the request of the chairperson; or

(2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made.

SECTION 80. IC 13-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry out the duties of the board under this article.

(2) Take testimony and receive a written report at every meeting of the board from the commissioner or the commissioner's designee regarding the financial condition and operation of the excess liability trust fund including:

(A) a detailed breakdown of contractual and administrative expenses the department is claiming from the excess liability trust fund under ~~IC 13-23-7-1(4);~~ **IC 13-23-7-1(a)(4);** and

(B) a claims statistics report consisting of the status and value of each claim submitted to the fund and claims payments made under IC 13-23-8-1.

The testimony and written report under this subdivision shall be provided at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.

(3) Consult with the department on administration of the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 in developing uniform policies and procedures for revenue collection and claims administration of the fund.

(b) The department shall consult with the board on administration of the underground petroleum storage tank excess liability trust fund. The consultation must include evaluation of alternative means of administering the fund in a cost effective and efficient manner.

(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the underground petroleum storage tank trust fund established under IC 13-23-6-1.

SECTION 81. IC 13-25-3 IS REPEALED [EFFECTIVE JULY 1,

2014]. (Responsible Property Transfer Law).

SECTION 82. IC 13-26-4-7, AS AMENDED BY P.L.179-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b), the board of a district may provide for the payment of not more than fifty dollars ($50) per day to members of the board for each day or major part of a day devoted to the work of the district.

(b) This subsection applies only to a regional water and sewage district that:

(1) is located in more than one (1) county; and

(2) was formed in 1975 by order of the stream pollution control board of the state of Indiana (which was succeeded **in 1986** by the water pollution control board, ~~in 1986).~~ **which was established by IC 13-18-1, before its repeal).**

The board of a district may provide for the payment of not more than one hundred twenty-five dollars ($125) per day to members of the board for each day or major part of a day devoted to the work of the district.

(c) Members of the board are entitled to receive an amount for travel expenses equal to the amount paid to state employees for expenses incurred in the performance of their duties.

(d) Payments made to board members under subsections (a), (b), and (c) shall be made from the general fund of the district.

SECTION 83. IC 13-26-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may adopt and enforce rules for the following purposes:

(1) To accomplish the purpose of a district.

(2) To protect the works, improvements, and properties, both real and personal, that the district owns.

(3) To secure the best results from the construction, operation, and maintenance of works, improvements, and properties.

(4) To prevent damage by the misuse of the works, improvements, or properties by:

(A) the pollution or misuse of the waters in the district or of the sewerage system; or

(B) the improper disposal of solid waste.

(b) The board may adopt and enforce rules under subsection (a) that are necessary and advisable to do the following:

(1) Protect and preserve the works, improvements, and properties owned or controlled by the district, prescribe the manner of use by any person, and preserve order in and adjacent to the works.

(2) Prescribe the manner:

(A) in which ditches, sewers, pipelines, or other works should be adjusted to or connected with the works of the district; and

(B) of waste disposal in the district.

(3) Prescribe the permissible uses of the water supply and the manner of distribution and prevent the pollution or unnecessary waste of the water supply.

(4) Prohibit or regulate the discharge into the sewers of the district of liquid or solid waste detrimental to the works and improvements.

(c) Rules must be:

(1) consistent with:

(A) statutes; and

(B) the rules of the ~~solid waste management board or the water pollution control~~ **environmental rules** board; and

(2) maintained and open to inspection in the office of the district.

(d) The board may enforce by injunction or other legal remedy rules adopted under this section. The board may remove a harmful or improper construction or obstruction or may close an opening or connection made improperly or in violation of the rules. A person that willfully fails to comply with the rules is liable for damage caused by the failure and for the cost of restoring or replacing construction damaged.

SECTION 84. IC 13-27-7-2, AS AMENDED BY P.L.37-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Guidance documents, technical assistance manuals, and policies developed or used in implementing programs under this article are not binding on participating businesses.

(b) Subject to subsection (e), the ~~air pollution control board, the water pollution control board, the solid waste management~~ board or the department may not do the following:

(1) Subject to IC 13-14-1-11.5, incorporate documents, manuals, or policies developed under this article into rules adopted under IC 4-22-2.

(2) Adopt rules under IC 4-22-2 requiring business

implementation of pollution prevention practices or of clean manufacturing by means of any of the following:

(A) Permit conditions.

(B) Enforcement actions.

(C) Other department actions.

(c) Subsection (b) only applies to pollution prevention as defined in this title.

(d) Subsection (b) does not apply to authority granted under federal law to implement pollution prevention as defined under any of the following:

(1) Federally delegated air, water, solid waste, and other programs.

(2) Guidance documents developed to implement programs described in subdivision (1).

(3) Programs established under IC 13-20-3, IC 13-20-22, or IC 13-21.

(e) The department shall present pollution prevention as an option to businesses in any of the following:

(1) Permit conditions.

(2) Enforcement actions.

(3) Other department actions.

SECTION 85. IC 13-28-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In a civil or an administrative proceeding, a court of record, after an in camera review, shall require disclosure of material for which the privilege described in section 1 of this chapter is asserted if the court determines that both subdivisions (1) and (2) apply:

(1) The environmental audit report was first issued after July 1, 1994.

(2) One (1) of the following applies:

(A) The privilege is asserted for a fraudulent purpose.

(B) The material is not subject to the privilege.

(C) The material is subject to the privilege and the material shows evidence of noncompliance with:

(i) this title or a rule or standard adopted by **the board or** one (1) of the **former** boards **abolished by IC 13-13-8-2;**

(ii) a determination, a permit, or an order issued by the commissioner under this title; or

(iii) the federal, regional, or local counterpart of item (i) or (ii);

and the person claiming the privilege did not promptly initiate and pursue appropriate efforts to achieve compliance with reasonable diligence.

(b) If the noncompliance described in subsection (a)(2)(C) constitutes a failure to obtain a required permit, the person is considered to have made appropriate efforts to achieve compliance if the person filed an application for the required permit not later than ninety (90) days after the date the person became aware of the noncompliance.

SECTION 86. IC 13-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department may waive up to one hundred percent (100%) of a civil penalty imposed on a business for a minor violation of:

(1) a requirement of environmental management laws;

(2) a rule adopted by ~~a~~ **the** board **or one (1) of the former boards abolished by IC 13-13-8-2;** or

(3) any determination, permit, or order made or issued by the commissioner.

(b) The department may not waive any part of a civil penalty under this section if the violation:

(1) endangers or causes damage to public health or the environment;

(2) is intentional, willful, or criminal;

(3) is of a requirement for which the department has previously issued a notice or warning of violation, for this or a prior violation, to the business required to correct the violation; or

(4) is not corrected within ninety (90) days after the date the business required to correct the violation notifies the department of the violation under subsection (c). The department may extend the ninety (90) day period for not more than an additional ninety (90) days.

(c) To seek a waiver of a civil penalty under this section, the business required to correct the violation must submit to the department a written report of the violation for which a waiver is sought. The report must be submitted to the department before an inspection by the department that discloses the violation or the issuance

of a notice or warning of violation.

(d) The ~~boards~~ **board** may adopt rules to implement this section.

SECTION 87. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49.2. ~~(a) "Compact", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(8).~~

~~(b)~~ "Compact", for purposes of IC 14-25-15, has the meaning set forth in IC 14-25-15-1.

SECTION 88. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 86.5. "Executive committee", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(7).~~

SECTION 89. IC 14-8-2-107, AS AMENDED BY P.L.133-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

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

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

(8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.

(12) For purposes of IC 14-20-11, the meaning set forth in

IC 14-20-11-2.
(13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.
(14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.
(15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.
(16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.
(17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.
(18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.
~~(19) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).~~
~~(20)~~ **(19)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.
~~(21)~~ **(20)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.
~~(22)~~ **(21)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.
~~(23)~~ **(22)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.
~~(24)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.
~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.
~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.
~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.
~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.
~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.
~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.
~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth

in IC 14-34-19-1.3(a).

~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 90. IC 14-8-2-117, AS AMENDED BY P.L.225-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(6).~~

~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in IC 14-28-5-3.

SECTION 91. IC 14-8-2-203, AS AMENDED BY P.L.17-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following meaning:~~

~~(1) Except as provided in IC 14-24-4.5,~~ for purposes of IC 14-24, means:

~~(A)~~ **(1)** an arthropod;

~~(B)~~ **(2)** a nematode;

~~(C)~~ **(3)** a microorganism;

~~(D)~~ **(4)** a fungus;

~~(E)~~ **(5)** a parasitic plant;

~~(F)~~ **(6)** a mollusk;

~~(G)~~ **(7)** a plant disease; or

~~(H)~~ **(8)** an exotic weed;

that may be injurious to nursery stock, agricultural crops, other vegetation, natural resources, or bees.

~~(2) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(4).~~

SECTION 92. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 239.5. "Requesting state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(2).~~

SECTION 93. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 242.5. "Responding state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(3).~~

SECTION 94. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 265. "State", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(1).~~

~~(2)~~ for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means the following:

~~(A)~~ **(1)** The Indiana state government.

~~(B)~~ **(2)** An agency, a subdivision, an officer, a board, a bureau, a commission, a department, a division, or an instrumentality of the state.

SECTION 95. IC 14-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "sewage" means human body wastes.

(b) A person may not keep, maintain, or operate upon public water a boat that is equipped with a water closet or toilet unless the water closet or toilet is equipped with a holding tank with the capacity to store wastes for subsequent disposal at:

(1) an approved shoreside facility or incinerator; or

(2) a treatment system approved by the department of environmental management according to rules adopted by the ~~solid waste management board or the water pollution control~~ **environmental rules** board.

(c) A person may not dispose of sewage accumulated in a holding tank or any other container on a watercraft in a manner that the sewage reaches or may reach public waters, except through a sewage disposal facility approved by the department of environmental management according to rules adopted by

~~(1) the solid waste management board; or~~

~~(2)~~ the ~~water pollution control~~ **environmental rules** board.

SECTION 96. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Pest Control Compact).

SECTION 97. IC 14-25-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In granting a permit, the department may do the following:

(1) Impose the conditions or stipulations that are necessary to conserve the ground water of the area and prevent waste, exhaustion, or impairment of the ground water.

(2) Require that ground water in a restricted area that is

withdrawn and used be returned to the ground through wells, pits, or spreading grounds. If this condition is imposed, the water shall be returned under the rules that the department adopts subject to the approval of the ~~water pollution control~~ **environmental rules** board to avoid pollution of underground water.

SECTION 98. IC 14-25-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this chapter, "potable water" means water that at the point of use is acceptable for human consumption under drinking water quality standards adopted by the ~~water pollution control~~ **environmental rules** board under IC 13-18-4-1.

SECTION 99. IC 14-33-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The commission shall do the following:

(1) Review each district plan.

(2) Request the technical assistance of any other state agency, including:

(A) the ~~water pollution control~~ **environmental rules** board;

(B) the state department of health; and

(C) the department of environmental management;

having administrative jurisdiction over any of the purposes of the district.

(b) The commission may also request technical assistance of any federal agency.

(c) The commission shall approve a plan if the following conditions are met:

(1) Any other state agency having authority over certain purposes of the district has approved that part of the plan.

(2) The commission finds that the plan accomplishes in an economical manner the purpose for which the district is established.

(d) The commission may reject a plan or any part of a plan. The board may make the changes that are necessary to secure the approval of the commission.

SECTION 100. IC 16-18-2-116.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 116.4. "Environmental rules board", for purposes of IC 16-41, refers to the board established**

by IC 13-13-8-3.

SECTION 101. IC 16-18-2-372 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 372. "Water board", for purposes of IC 16-41, refers to the board established by IC 13-13-8-3.~~

SECTION 102. IC 16-19-3-4, AS AMENDED BY P.L.83-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The executive board may, by an affirmative vote of a majority of its members, adopt reasonable rules on behalf of the state department to protect or to improve the public health in Indiana.

(b) The rules may concern but are not limited to the following:

(1) Nuisances dangerous to public health.

(2) The pollution of any water supply other than where jurisdiction is in the ~~water pollution control~~ **environmental rules** board and department of environmental management.

(3) The disposition of excremental and sewage matter.

(4) The control of fly and mosquito breeding places.

(5) The detection, reporting, prevention, and control of diseases that affect public health.

(6) The care of maternity and infant cases and the conduct of maternity homes.

(7) The production, distribution, and sale of human food.

(8) Except as provided in section 4.4 of this chapter, the conduct of camps.

(9) Standards of cleanliness of eating facilities for the public.

(10) Standards of cleanliness of sanitary facilities offered for public use.

(11) The handling, disposal, disinterment, and reburial of dead human bodies.

(12) Vital statistics.

(13) Sanitary conditions and facilities in public buildings and grounds, including plumbing, drainage, sewage disposal, water supply, lighting, heating, and ventilation, other than where jurisdiction is vested by law in the fire prevention and building safety commission or other state agency.

(14) The design, construction, and operation of swimming and wading pools. However, the rules governing swimming and wading pools do not apply to a pool maintained by an individual

for the sole use of the individual's household and house guests.

SECTION 103. IC 16-41-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Water supply and sewage disposal facilities serving schools must be constructed and operated in accordance with applicable rules of the state department and the ~~water pollution control~~ **environmental rules** board.

SECTION 104. IC 16-41-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The state department shall enforce this chapter and the statutes relating to pollution of waters and public water supply, except where jurisdiction is vested in the ~~water pollution control~~ **environmental rules** board and the department of environmental management.

SECTION 105. IC 16-41-26-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the state department shall adopt rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in agricultural labor camps, prescribing standards for living quarters at agricultural labor camps, including provisions relating to construction of camps, sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants.

(b) The ~~water pollution control~~ **environmental rules** board shall adopt rules under IC 4-22-2 pertaining to water supplies and sewage disposal systems other than septic tank absorption fields required for agricultural labor camps.

(c) In the preparation of rules, the state department:

(1) shall consult with and request technical assistance from other appropriate state agencies; and

(2) may appoint and consult with committees of technically qualified persons and of representatives of employers and employees.

(d) If a conflict exists between rules adopted under this chapter and rules adopted by the fire prevention and building safety commission, the rules authorized in this section apply.

(e) A copy of every rule adopted under this chapter shall be sent to each health officer in Indiana and to the heads of other state agencies with specific or related responsibility affecting agricultural labor camps

and to any person requesting the rules. The rules affecting agricultural labor camps adopted under this chapter shall be published periodically in the manner the state department determines.

SECTION 106. IC 16-41-27-8, AS AMENDED BY P.L.87-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the state department may adopt rules under IC 4-22-2 to carry out this chapter, including rules for the following:

(1) Health, sanitation, and safety.

(2) Sewage collection.

(3) Sewage disposal through septic tank absorption fields.

(b) The ~~water~~ **environmental rules** board shall adopt rules under IC 4-22-2 concerning the following:

(1) Public water supplies required for mobile home communities.

(2) Sewage disposal systems other than septic tank absorption fields.

SECTION 107. IC 16-41-27-10, AS AMENDED BY P.L.87-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A mobile home community shall provide a water supply through the use of a public water system if the water supply is reasonably available within a reasonable distance from the mobile home community. A mobile home community is not required to use a public water system if the water system is more than two thousand (2,000) feet from the mobile home community. If a public water system is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the ~~water pollution control~~ **environmental rules** board.

SECTION 108. IC 16-41-27-22, AS AMENDED BY P.L.87-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The construction of a new mobile home community or alteration of an existing mobile home community shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department.

(b) A public water system may not be constructed or altered in a new or existing mobile home community until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the ~~water~~ **environmental rules** board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home community until:

(1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and

(2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the ~~water~~ **environmental rules** board.

SECTION 109. IC 16-41-27-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The state department shall adopt a schedule of civil penalties that may be levied in an action to enforce the following:

(1) This chapter.

(2) The rules of the state department.

(3) The rules adopted under this chapter by the ~~water~~ **environmental rules** board.

(b) A penalty included in the schedule of civil penalties adopted under subsection (a) may not exceed one thousand dollars ($1,000) per violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

(1) fails to comply with this chapter or a rule adopted under this chapter; or

(2) interferes with or obstructs the state department or the state department's designated agent in the performance of duties under this chapter.

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding to impose a civil penalty may be consolidated with any other proceedings to enforce any of the following:

(1) This chapter.

(2) The rules of the state department.

(3) The rules adopted under this chapter by the ~~water pollution control~~ **environmental rules** board.

SECTION 110. IC 16-41-35-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. The powers, duties, and functions of the state department under this chapter do not affect the powers, duties, and functions of the state department or the ~~water pollution control~~ **environmental rules** board under any other law.

SECTION 111. IC 20-26-5-6, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. All powers delegated to the governing body of a school corporation under section 1 or 4 of this chapter are subject to all laws subjecting the school corporation to regulation by a state agency, including the state superintendent, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, ~~water pollution control~~ **environmental rules** board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including plan commissions, zoning boards, and boards concerned with health and safety.

SECTION 112. IC 22-1-1-11, AS AMENDED BY P.L.35-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and directed to do the following:

(1) To investigate and adopt rules under IC 4-22-2 prescribing what safety devices, safeguards, or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial accidents or occupational diseases shall be adopted or followed in any or all employments or places of employment, and to adopt rules under IC 4-22-2 applicable to either employers or employees, or both for the prevention of accidents and the prevention of industrial or occupational diseases.

~~(2) Whenever, in the judgment of the commissioner of labor, any place of employment is not being maintained in a sanitary manner or is being maintained in a manner detrimental to the health of the employees therein, to obtain any necessary technical or expert advice and assistance from the state department of health. The~~

~~state department of health, upon the request of the commissioner of labor, shall furnish technical or expert advice and assistance to the commissioner and take the steps authorized or required by the health laws of the state.~~

~~(3)~~ **(2)** Annually forward the report received from the mining board under IC 22-10-1.5-5(a)(5) to the legislative council in an electronic format under IC 5-14-6 and request from the general assembly funding for necessary additional mine inspectors.

~~(4)~~ **(3)** Administer the mine safety fund established under IC 22-10-12-16.

SECTION 113. IC 22-2-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Payroll Bond for Benefit of Employees).

SECTION 114. IC 22-6-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Whenever any employee of any person, firm, limited liability company, or corporation doing business in this state shall be discharged or voluntarily quits the service of such person, firm, limited liability company, or corporation, it shall be the duty of such person, firm, member or manager of the limited liability company, or the officer of the corporation having jurisdiction over such employee, upon written request of such employee, to issue such employee a letter, duly signed by such person, firm, member, manager, or officer, setting forth ~~the nature and character of service rendered by such employee and the duration thereof, and truly stating for what cause, if any, such~~ **whether the** employee ~~has~~ quit or ~~been~~ **was involuntarily** discharged from such service; however, this section shall not apply to any person, firm, limited liability company, or corporation which does not require written recommendations or written applications showing qualifications or experience for employment.

SECTION 115. IC 22-6-3-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. A person who violates section 1 of this chapter commits a Class C infraction.~~

SECTION 116. IC 22-8-1.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission shall meet at the call of the commissioner **or** the chairman or upon the written request of any four (4) members. However, the commission shall meet at least ~~every three (3) months~~ **one (1) time per year** at the call of the commissioner to conduct the business that comes before the

commission.

SECTION 117. IC 22-13-2-2, AS AMENDED BY P.L.101-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

(1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

(2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).

(3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).

(4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).

(5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.

(6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

~~(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:~~

~~(1) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(2) Section 2406.2.~~

~~(3) Section 2406.3.~~

~~(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.~~

~~(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:~~

~~(1) Section 2403.2.~~

~~(2) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(3) Section 2406.2.~~

~~(4) Section 2406.3.~~

~~(i) After receiving and considering recommendations from the division of fire and building safety under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:~~

~~(1) Section 2403.2.~~

~~(2) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(3) Section 2406.2.~~

~~(4) Section 2406.3.~~

SECTION 118. IC 25-18-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Licensing of Retail Distress Sales).

SECTION 119. IC 31-31-3-2, AS AMENDED BY SEA 160, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b) **or (c)**, after June 30, 2014, the judge of the juvenile court may appoint ~~a~~ **not more than one (1)** full-time magistrate under IC 33-23-5. ~~only if authorized by state law.~~

(b) **The judge of the juvenile court may appoint more than one (1) full-time magistrate only if the appointment of an additional magistrate is expressly authorized by the general assembly.**

(c) If the judge of the juvenile court appointed one (1) or more full-time magistrates under this section before July 1, 2014, the judge may continue to appoint or reappoint a full-time magistrate to each of those positions after June 30, 2014.

SECTION 120. IC 32-21-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Responsible Property Transfer Law).

SECTION 121. IC 33-32-5-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. For issuing a license to hold a distress sale under IC 25-18-1-6, the clerk shall collect the following fee:~~

~~(1) Forty dollars ($40) if the value of the inventory is not more than twenty-five thousand dollars ($25,000).~~

~~(2) Sixty-five dollars ($65) if the value of the inventory is more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000).~~

~~(3) One hundred dollars ($100) if the value of the inventory is more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000).~~

~~(4) One hundred fifty dollars ($150) if the value of the inventory is more than seventy-five thousand dollars ($75,000).~~

SECTION 122. IC 34-6-2-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Hazardous substance", for purposes of IC 34-30-6, means:

(1) a material or waste that has been determined to be hazardous or potentially hazardous to any individual, to property, or to the environment by the United States Environmental Protection Agency, the federal Nuclear Regulatory Commission, the United States Department of Transportation, the ~~solid waste management~~ **environmental rules** board, or the United States Occupational Safety and Health Agency or any agent or designee of any of the above mentioned boards, agencies, or commission; or

(2) any substance that may be potentially hazardous to any person, to property or to the environment.

SECTION 123. IC 35-52-25-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18. IC 25-18-1-19 defines a crime concerning distress sales.~~

SECTION 124. IC 36-9-23-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A municipality that does not have a sewage treatment plant, and wants to acquire,

construct, improve, operate, and maintain sewage works other than a sewage treatment plant, may proceed under this chapter only if it first contracts for the required treatment of the sewage emanating from its works.

(b) A municipality owning and operating facilities for sewage treatment may contract to treat all or part of the sewage of:

(1) any other municipality;

(2) any facility of the department of correction; or

(3) if a contract described in subdivision (2) is in effect, any person or entity, a municipal corporation, a private corporation, or a federal government facility that is located within five (5) miles of the sewer line connecting the municipality to the facility of the department of correction under the contract.

The contracts must be authorized by ordinance and are subject to approval by the department of environmental management according to rules adopted by the ~~water pollution control~~ **environmental rules** board as to the sufficiency of the provision for sewage treatment.

(c) Unless otherwise provided in the authorizing ordinance or governing indenture, the revenues received by the owner under the contract are considered a part of the revenues of the owner's sewage treatment facilities, and shall be applied in accordance with the applicable statutes.

(d) The necessary intercepting and connecting sewers and appurtenances to connect the sewage treatment facilities and sewage works of the contracting parties may be constructed in part or in whole by either of the contracting parties, as provided in the contract. For a municipality, the money to pay for this construction may be provided by the issuance of bonds under the applicable statutes, as part of the cost of the facilities or works of the respective parties.

(e) All bonds issued under this section are payable before the expiration date of the contract. The parties may contract for the terms of the bonds, and for any term or terms beyond the last maturity of the bonds.

SECTION 125. IC 36-9-23-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. No proceedings other than those prescribed by this chapter are required for:

(1) the construction or acquisition of sewage works;

(2) the issuance or sale of bonds; or

(3) the establishment of fees;

under this chapter. However, the functions, powers, and duties of the department of environmental management, the ~~water pollution control~~ **environmental rules** board, and the state department of health are not affected by this chapter.

SECTION 126. IC 36-9-24-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A lease under this chapter does not become effective until its provisions for sewage treatment have been found sufficient by the department of environmental management according to rules adopted by the ~~state water pollution control~~ **environmental rules** board.

SECTION 127. IC 36-9-30-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A unit acting under this chapter must obtain approval from the department of environmental management, according to rules adopted by the ~~solid waste management~~ **environmental rules** board, for any method or methods used for the disposal of solid waste before obtaining land or facilities. One (1) or more of the methods listed below may be used:

(1) A unit may use a sanitary landfill. If a sanitary landfill is to be used, information necessary to evaluate the project shall be submitted to the department of environmental management for review and approval before the purchase of land or equipment.

(2) A unit may use incineration. If incineration is to be used, the plans and specifications of each incinerating plant or other facility, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction of the facilities. The plans must include an approved method for the disposal of noncombustible solid waste and incinerator residue.

(3) A unit may use composting. If composting is to be used, the plans and specifications of composting facilities, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction of the facilities. The plans must provide for the proper disposal of all solid waste that is not suitable for composting.

(4) A unit may use a garbage grinding system involving the separate collection and disposal of garbage into a community

sewerage system through commercial-type grinders or community-wide installation of individual grinders. As used in this subdivision, "garbage" means all decayable solid and semisolid wastes resulting from the processing, preparation, cooking, serving, or consumption of food or food materials. The plans and specifications for the garbage grinding facilities, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction or installation of the facilities. The plans must provide for the proper disposal of all solid waste that is not suitable for grinding.

(5) A unit may use any other suitable methods or facilities for the disposal of solid waste, if the plans and specifications, along with other information necessary to evaluate the project, are submitted to the department of environmental management for review and approval before the acquisition, construction, installation, or operation of the method or facility.

SECTION 128. IC 36-9-30-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. The ~~solid waste management~~ **environmental rules** board may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 129. IC 36-9-30-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) Solid waste may be disposed of on land only through use of sanitary landfills, incineration, composting, garbage grinding, or other acceptable methods approved by the department of environmental management in accordance with rules adopted by the ~~solid waste management~~ **environmental rules** board. A person may not operate or maintain an open dump.

(b) A person may not operate or maintain facilities for the collection and disposal of solid waste, except as set out in section 4 of this chapter or under rules adopted by the ~~solid waste management~~ **environmental rules** board.

(c) Failure to comply with this section constitutes the operation of a nuisance inimical to human health. A prosecuting attorney who receives a report of such a failure from the department of environmental management, a solid waste management district, or a local health officer shall cause appropriate court proceedings to be

instituted.

(d) A person who fails to comply with this section commits a Class C infraction. If the violation is of a continuing nature, each day of failure to comply constitutes a separate infraction.

(e) The department of environmental management may bring proceedings for injunctive or mandatory relief through the attorney general against any person (including any agency of the state or federal government) for failure to comply with this section.

SECTION 130. [EFFECTIVE JANUARY 1, 2015] **The general assembly recognizes that HEA 1279-2014 repealed IC 9-32-17-5 and that SEA 350-2014 amended that section. The general assembly intends to repeal that section effective January 1, 2015.**

SECTION 131. [EFFECTIVE UPON PASSAGE] **The general assembly recognizes that SEA 160-2014, SECTION 2, amended IC 33-23-10-7, and that SEA 80-2014, SECTION 140, repealed IC 33-23-10. The general assembly intends to repeal this provision, effective upon passage of SEA 80-2014.**

SECTION 132. **An emergency is declared for this act.**

P.L.114-2014
[H.1020. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning economic development.

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

SECTION 1. IC 2-5-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.2. Review, Analysis, and Evaluation of Tax Incentives

Sec. 1. (a) As used in this section, "tax incentive" means a benefit provided through a state or local tax that is intended to

alter, reward, or subsidize a particular action or behavior by the tax incentive recipient, including a benefit intended to encourage economic development. The term includes the following:

(1) An exemption, deduction, credit, preferential rate, or other tax benefit that:

(A) reduces the amount of a tax that would otherwise be due to the state;

(B) results in a tax refund in excess of any tax due; or

(C) reduces the amount of property taxes that would otherwise be due to a political subdivision of the state.

(2) The dedication of revenue by a political subdivision to provide improvements or to retire bonds issued to pay for improvements in an economic or sports development area, a community revitalization area, an enterprise zone, or a tax increment financing district.

(b) The general assembly intends that each tax incentive effectuate the purposes for which it was enacted and that the cost of tax incentives should be included more readily in the biennial budgeting process. To provide the general assembly with the information it needs to make informed policy choices about the efficacy of each tax incentive, the commission on state tax and financing policy (or its successor committee) shall conduct a regular review, analysis, and evaluation of all tax incentives according to a schedule developed by the commission.

(c) The legislative services agency, under the direction of the commission, shall conduct a systematic and comprehensive review, analysis, and evaluation of each tax incentive scheduled for review by the commission. The review, analysis, and evaluation must include information about each tax incentive that is necessary to achieve the goals described in subsection (b), such as any of the following:

(1) The basic attributes and policy goals of the tax incentive, including the statutory and programmatic goals of the tax incentive, the economic parameters of the tax incentive, the original scope and purpose of the tax incentive, and how the scope or purpose has changed over time.

(2) The tax incentive's equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purposes of the legislation enacting the tax incentive.

(3) The types of activities on which the tax incentive is based and how effective the tax incentive has been in promoting these targeted activities and in assisting recipients of the tax incentive.

(4) The count of the following:

(A) Applicants for the tax incentive.

(B) Applicants that qualify for the tax incentive.

(C) Qualified applicants that, if applicable, are approved to receive the tax incentive.

(D) Taxpayers that actually claim the tax incentive.

(E) Taxpayers that actually receive the tax incentive.

(5) The dollar amount of the tax incentive benefits that has been actually claimed by all taxpayers over time, including the following:

(A) The dollar amount of the tax incentive, listed by the North American Industrial Classification System (NAICS) Code associated with the tax incentive recipients, if an NAICS Code is available.

(B) The dollar amount of income tax credits that can be carried forward for the next five (5) state fiscal years.

(6) An estimate of the economic impact of the tax incentive, including the following:

(A) A return on investment calculation for the tax incentive. For purposes of this clause, "return on investment calculation" means analyzing the cost to the state or political subdivision of providing the tax incentive, analyzing the benefits realized by the state or political subdivision from providing the tax incentive.

(B) A cost benefit comparison of the state and local revenue foregone and property taxes shifted to other taxpayers as a result of allowing the tax incentive, compared to tax revenue generated by the taxpayer receiving the incentive, including direct taxes applied to the taxpayer and taxes applied to the taxpayer's employees.

(C) An estimate of the number of jobs that were the direct result of the tax incentive.

(D) For any tax incentive that is reviewed or approved by the Indiana economic development corporation, a

statement by the chief executive officer of the Indiana economic development corporation as to whether the statutory and programmatic goals of the tax incentive are being met, with obstacles to these goals identified, if possible.

(7) The methodology and assumptions used in carrying out the reviews, analyses, and evaluations required under this subsection.

(8) The estimated cost to the state to administer the tax incentive.

(9) An estimate of the extent to which benefits of the tax incentive remained in Indiana or flowed outside Indiana.

(10) Whether the effectiveness of the tax incentive could be determined more definitively if the general assembly were to clarify or modify the tax incentive's goals and intended purpose.

(11) Whether measuring the economic impact is significantly limited due to data constraints and whether any changes in statute would facilitate data collection in a way that would allow for better review, analysis, or evaluation.

(12) Any additional review, analysis, or evaluation the commission considers advisable. Among other things, the commission and the legislative services agency are encouraged to include comparisons with tax incentives offered by other states if those comparisons would add value to the review, analysis, and evaluation.

The legislative services agency may request a state or local official or a state agency, a political subdivision, a body corporate and politic, or a county or municipal redevelopment commission to furnish information necessary to complete the tax incentive review, analysis, and evaluation required by this section. An official or entity presented with a request from the legislative services agency under this subsection shall cooperate with the legislative services agency in providing the requested information. An official or entity may require that the legislative services agency adhere to the provider's rules, if any, that concern the confidential nature of the information.

(d) The commission shall hold public hearings to receive information concerning tax incentives. On or before November 1,

2014, and each year thereafter, the commission shall submit a report to the legislative council, in an electronic format under IC 5-14-6, containing the results of the commission's review, analysis, and evaluation. The report must include at least the following:

(1) A detailed description of the review, analysis, and evaluation for each tax incentive reviewed.

(2) A recommendation as to whether a reviewed tax incentive should be continued, modified, or terminated, the basis for the recommendation, and the expected impact of the recommendation on the state's economy.

(3) Recommendations for better aligning a reviewed tax incentive with the original intent of the legislation that enacted the tax incentive.

(4) An estimate for each fiscal year of the next biennial budget of the cost of each tax incentive and the total cost of all tax incentives, including those not scheduled for review under this section. The estimates shall be provided to the chairperson and ranking minority member of the house committee on ways and means and the senate committee on appropriations for use in the preparation of the budget and to the general assembly to be used in the budget process.

(5) To the extent possible, an estimate of the indirect economic benefit or activity stimulated by the tax incentive.

The report required by this subsection must not disclose any proprietary or otherwise confidential taxpayer information.

(e) The general assembly shall use the commission's report to determine whether a particular tax incentive:

(1) is successful;

(2) is provided at a cost that can be accommodated by the state's biennial budget; and

(3) should be continued, amended, or repealed.

(f) The legislative services agency shall establish and maintain a system for making available to the public information about the amount and effectiveness of tax incentives.

(g) The commission shall, before November 1, 2014, develop and publish on the general assembly's Internet web site a multi-year schedule that lists all tax incentives and indicates the year when the report will be published for each tax incentive reviewed. The

commission may revise the schedule as long as the commission provides for a systematic review, analysis, and evaluation of all tax incentives and that each tax incentive is reviewed at least once every five (5) years.

(h) This section expires December 31, 2023.

P.L.115-2014
[H.1027. Approved March 25, 2014.]

AN ACT concerning taxation.

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

SECTION 1. P.L.288-2013, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 75. (a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to the March 1, 2011, and March 1, 2012, assessment dates.

(c) As used in this SECTION, "eligible property" means **either of the following:**

(1) A vacant parcel of real property in Marion County that:

(A) consists of not more than two (2) acres;

(B) was acquired after March 1, 2012, but before May 1, 2012; and

(C) is owned, is occupied, and will be used for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16.

(2) A parcel of real property in Marion County that:

(A) is owned, occupied, and used for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16; and

(B) was redeemed after being sold for delinquent taxes in

2012.

(d) As used in this SECTION, "qualified taxpayer" refers to a ministry **or other religious organization** that:

(1) is exempt from federal income taxes; **and**

(2) owns an eligible property.

~~(3) acquired the eligible property after the 2012 assessment date; and~~

~~(4) redeemed the eligible property after it was sold for delinquent taxes in 2012.~~

(e) A qualified taxpayer may, before September 1, ~~2013,~~ **2014,** file **with the county assessor of Marion County** a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for:

(1) the March 1, 2011, assessment date;

(2) the March 1, 2012, assessment date; **or**

(3) both the March 1, 2011, and March 1, 2012, assessment dates.

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been timely filed.

(g) If ~~a qualified taxpayer demonstrates in the property tax exemption application filed under subsection (e) or by other means~~ **the county assessor finds** that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for ~~the March 1, 2012,~~ **an** assessment date **described in subsection (e)** if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for ~~the March 1, 2012,~~ **that** assessment date:

(1) the property tax exemption for the eligible property shall be allowed and granted for ~~the March 1, 2012,~~ **that** assessment date by the county assessor and county auditor of Marion County **without need of any further ruling or action by the county property tax assessment board of appeals of Marion County or by the Indiana board of tax review;** and

(2) the qualified taxpayer is not required to pay any property taxes, penalties, or interest with respect to the eligible property for ~~the March 1, 2012,~~ **that** assessment date.

(h) To the extent the qualified taxpayer has:

(1) paid any property taxes, penalties, or interest with respect to

the eligible property for ~~the March 1, 2011,~~ **an** assessment date **described in subsection (e);** or

(2) paid to redeem the property under IC 6-1.1-24 and IC 6-1.1-25;

the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, ~~2013,~~ **2014,** is considered timely filed. The county auditor may make a determination that any refund due under this SECTION shall be paid in two (2) equal annual installments.

~~(i) The exemption allowed by this SECTION shall be applied without need of any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of Marion County or by the Indiana board of tax review.~~

~~(j)~~ **(i)** This SECTION expires July 1, 2017.

SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) As used in this SECTION, "eligible property" means a parcel of real property that:

(1) is owned, occupied, and used by a qualified taxpayer for one (1) or more of the purposes described in IC 6-1.1-10-16;

(2) consists of not more than twenty (20) acres; and

(3) was exempted from property taxes under IC 6-1.1-10-16 for at least one (1) assessment date occurring before the March 1, 2008, assessment date.

(c) As used in this SECTION, "qualified taxpayer" refers to a youth baseball and softball association organized as a corporation that is exempt from federal income taxes.

(d) Before July 1, 2014, a qualified taxpayer may file with the county assessor of the county in which the eligible property is located a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for:

(1) the March 1, 2008, assessment date;

(2) the March 1, 2009, assessment date;

(3) the March 1, 2010, assessment date; or

(4) any combination of the assessment dates listed in

subdivisions (1) through (3).

(e) A property tax exemption application filed under subsection (d) by a qualified taxpayer is considered to have been timely filed.

(f) If the county assessor finds that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for an assessment date described in subsection (d) if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for that assessment date:

(1) the property tax exemption for the eligible property shall be allowed and granted for that assessment date by the county assessor and county auditor without need of any further ruling or action by the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review; and

(2) the qualified taxpayer is not required to pay any:

(A) property taxes;

(B) penalties; or

(C) interest;

resulting from the assessment of the qualified property for that assessment date.

(g) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (d), the qualified taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by a qualified taxpayer under this subsection before July 1, 2014, is considered timely filed. The county auditor may make a determination that any refund due under this SECTION must be paid in two (2) equal annual installments.

(h) This SECTION expires July 1, 2017.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) As used in this SECTION, "eligible property" means a parcel of real property that is owned, occupied, and used by a qualified taxpayer for one (1) or more of the purposes described in IC 6-1.1-10-16.

(c) As used in this SECTION, "qualified taxpayer" refers to a

youth baseball association organized as a corporation that is exempt from federal income taxes.

(d) Before July 1, 2014, a qualified taxpayer may file with the county assessor of the county in which the eligible property is located a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for:

(1) the March 1, 2011, assessment date;

(2) the March 1, 2012, assessment date; or

(3) both.

(e) A property tax exemption application filed under subsection (d) by a qualified taxpayer is considered to have been timely filed.

(f) If the county assessor finds that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for an assessment date described in subsection (d) if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for that assessment date:

(1) the property tax exemption for the eligible property shall be allowed and granted for that assessment date by the county assessor and county auditor without need of any further ruling or action by the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review; and

(2) the qualified taxpayer is not required to pay any:

(A) property taxes;

(B) penalties; or

(C) interest;

resulting from the assessment of the qualified property for that assessment date.

(g) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (d), the qualified taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by a qualified taxpayer under this subsection before July 1, 2014, is considered timely filed. The county auditor may make a determination that any refund due under this SECTION must be paid in two (2) equal annual

installments.

(h) This SECTION expires July 1, 2017.

SECTION 4. **An emergency is declared for this act.**

P.L.116-2014

[H.1035. Approved March 25, 2014.]

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

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

SECTION 1. IC 5-28-6-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) The corporation shall conduct an in depth assessment of Indiana's regional metropolitan areas, as determined by the corporation, and referred to as a "regional city" in this section.**

(b) The assessment must include an analysis of at least the following with respect to each regional city:

(1) The economic potential of the regional city if certain initiatives or quality of life or other improvements are made or not made.

(2) The needs of each regional city.

(3) The potential of various initiatives and improvements for each regional city with a focus on determining those initiatives and improvements that will best lead to economic growth for the regional city.

(4) The successful and unsuccessful attempts at regional development within and outside Indiana.

(c) The staff of the corporation shall prepare and submit a report to the board before October 1, 2014. The report must include the following:

(1) Findings of the assessment.

(2) Recommendations on addressing the needs of each regional city, including any initiatives and quality of life or other improvements that could be made and that will best lead to economic growth for the regional city.

(3) Recommendations on options for financing any recommended initiatives and improvements by using a combination of public and private investment and financing that includes participation by financial institutions, private enterprise, local government, and state government.

SECTION 2. **An emergency is declared for this act.**

P.L.117-2014
[H.1046. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-29-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "heritage barn" has the meaning set forth in IC 6-1.1-12-26.2.**

SECTION 2. IC 5-29-3-4, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The tourism information and promotion fund is established within the state treasury. The fund shall be used for the purposes of this chapter.

(b) The fund consists of appropriations from the general assembly and gifts, donations, bequests, devises, and contributions received by the office.

(c) The office shall administer the fund. The following may be paid from money in the fund:

(1) Grants.

(2) Expenses of administering the fund.

(3) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(4) Expenses incurred to promote heritage barns under section 9 of this chapter.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

SECTION 3. IC 5-29-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. Before July 1, 2015, the office shall, using only the resources available to the office under P.L.205-2013 and this chapter, develop print and electronic media promoting tourism, visitation, and other hospitality opportunities that feature heritage barns located in Indiana. The department of agriculture and the office of community and rural affairs shall provide the office assistance in developing a heritage barn tourism program in Indiana.**

SECTION 4. IC 6-1.1-12-26.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 26.2. (a) The following definitions apply throughout this section:**

(1) "Barn" means a building (other than a dwelling) that was designed to be used for:

(A) housing animals;

(B) storing or processing crops;

(C) storing and maintaining agricultural equipment; or

(D) serving an essential or useful purpose related to agricultural activities conducted on the adjacent land.

(2) "Heritage barn" means a barn that on the assessment date:

(A) was constructed before 1950;

(B) retains sufficient integrity of design, materials, and construction to clearly identify the building as a barn;

(C) is not being used for agricultural purposes in the operation of an agricultural enterprise; and

(D) is not being used for a business purpose.

(3) "Eligible applicant" means:

(A) an owner of a heritage barn; or

(B) a person that is purchasing property, including a heritage barn, under a contract that:

(i) gives the person a right to obtain title to the property upon fulfilling the terms of the contract;

(ii) does not permit the owner to terminate the contract as long as the person buying the property complies with the terms of the contract;

(iii) specifies that during the term of the contract the person must pay the property taxes on the property; and

(iv) has been recorded with the county recorder.

(b) An eligible applicant is entitled to a deduction against the assessed value of the structure and foundation of a heritage barn beginning with assessments after 2014. The deduction is equal to one hundred percent (100%) of the assessed value of the structure and foundation of the heritage barn.

(c) An eligible applicant that desires to obtain the deduction provided by this section must file a certified deduction application with the auditor of the county in which the heritage barn is located. The application may be filed in person or by mail. The application must contain the information and be in the form prescribed by the department of local government finance. If mailed, the mailing must be postmarked on or before the last day for filing.

(d) Subject to subsection (e) and section 45 of this chapter, the application must be filed during the year preceding the year in which the deduction will first be applied. Upon verification of the application by the county assessor of the county in which the property is subject to assessment or by the township assessor of the township in which the property is subject to assessment (if there is a township assessor for the township), the auditor of the county shall allow the deduction.

(e) The auditor of a county shall, in a particular year, apply the deduction provided under this section to the heritage barn of the owner that received the deduction in the preceding year unless the auditor of the county determines that the property is no longer

eligible for the deduction. A person that receives a deduction under this section in a particular year and that remains eligible for the deduction in the following year is not required to file an application for the deduction in the following year. A person that receives a deduction under this section in a particular year and that becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the property is located of the ineligibility in the year in which the person becomes ineligible. A deduction under this section terminates following a change in ownership of the heritage barn. However, a deduction under this section does not terminate following the removal of less than all the joint owners of property or purchasers of property under a contract described in subsection (a).

(f) A county fiscal body may adopt an ordinance to require a person receiving the deduction under this section to pay an annual public safety fee for each heritage barn for which the person receives a deduction under this section. The fee may not exceed fifty dollars ($50). The county auditor shall distribute any public safety fees collected under this section equitably among the police and fire departments in whose territories each heritage barn is located. If a county fiscal body adopts an ordinance under this subsection, the county fiscal body shall furnish a copy of the ordinance to the department in the manner prescribed by the department.

P.L.118-2014
[H.1053. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-27-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A levee district or association that was created under a statute that was repealed by IC 19-3-2-106 (recodified as IC 13-2-19.5-9 before its repeal, and later recodified as this section):

(1) is not affected by the repeal; ~~and~~

(2) **except as provided in subdivision (3),** may continue to exist as if the statute had not been repealed; **and**

(3) is subject to the requirements under this chapter.

P.L.119-2014
[H.1058. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-1-43 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 43. Electronic Delivery of Notices and Documents

Sec. 1. As used in this chapter, "electronic delivery" or "electronically delivered" includes the following:

(1) Delivery to an electronic mail address at which a party has consented to receive notices or documents.

(2) Posting on an electronic network or web site accessible via the Internet, a mobile application, a computer, a mobile device, a tablet, or another electronic device, with separate notice delivered to the electronic mail address at which a party has consented to receive notice of the posting.

Sec. 2. (a) As used in this chapter, "party" means a recipient of a notice or document required as part of an insurance transaction.

(b) The term includes an applicant, an insured, a policyholder, and an annuity contract holder.

Sec. 3. (a) Except as provided in subsection (c), a notice to a party, or another document, that:

(1) is legally required in an insurance transaction; or

(2) serves as evidence of insurance coverage;

may be electronically delivered, stored, and presented in compliance with IC 26-2-8.

(b) Electronic delivery of a notice or document under this section is considered to be equivalent to any legally required delivery method, including delivery by:

(1) first class mail;

(2) first class mail, postage prepaid;

(3) certified mail;

(4) certificate of mail; or

(5) certificate of mailing.

(c) Electronic delivery of a notice or document by an insurer to a party is permitted under this chapter if all the following apply:

(1) The party has affirmatively consented to electronic delivery and has not withdrawn the consent.

(2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of all the following:

(A) Any right or option of the party to have the notice or document provided or made available in paper or another nonelectronic form.

(B) The right of the party to withdraw consent to electronic delivery of a notice or document and any fees,

conditions, or consequences that will be imposed on the party if the party withdraws consent.

(C) Whether the party's consent applies:

(i) only to the particular transaction as to which the notice or document must be given; or

(ii) to identified categories of notices or documents subject to electronic delivery during the course of the party's relationship with the insurer.

(D) The:

(i) means, after consent is given, by which the party may obtain a paper copy of an electronically delivered notice or document; and

(ii) applicable fee for the paper copy.

(E) The procedure the party must follow to:

(i) withdraw consent to electronic delivery of a notice or document; and

(ii) update information needed to contact the party electronically.

(3) The party:

(A) before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of an electronically delivered notice or document; and

(B) electronically:

(i) consents; or

(ii) confirms consent;

in a manner that reasonably demonstrates that the party is able to access information in the electronic form that will be used for electronic delivery of notices or documents to which the party has given consent.

(4) If, after the party has consented to electronic delivery of notices or documents, a change in the hardware or software requirements needed for the party to access or retain an electronically delivered notice or document creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, the insurer:

(A) provides the party with a statement of the:

(i) revised hardware and software requirements for

access to and retention of an electronically delivered notice or document; and

(ii) right of the party to withdraw consent without the imposition of a fee, condition, or consequence that was not disclosed under subdivision (2)(B); and

(B) complies with subdivision (2).

Sec. 4. (a) This chapter does not affect any applicable legal requirement related to content or timing of a notice or document.

(b) If another law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, electronic delivery of the notice or document is permitted only if the method of electronic delivery provides for verification or acknowledgment of receipt.

(c) The legal effectiveness, validity, or enforceability of a contract or policy of insurance executed by a party may not be denied solely because of the failure of the insurer to obtain electronic consent or confirmation of consent of the party in accordance with section 3(c)(3)(B) of this chapter.

Sec. 5. (a) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document that is electronically delivered to the party before the withdrawal of consent is effective.

(b) A withdrawal of consent by a party is effective thirty (30) days after the insurer receives notice of the withdrawal.

(c) An insurer's failure to comply with section 3(c)(4) of this chapter is, at the election of the party, considered to be a withdrawal of the party's consent under this chapter.

Sec. 6. (a) This chapter does not apply to a notice or document that is electronically delivered:

(1) by an insurer before July 1, 2014; and

(2) to a party who, before July 1, 2014, consented to receive electronically delivered notices or documents as otherwise allowed by law.

(b) If:

(1) the consent of a party to receive certain electronically delivered notices or documents is on file with an insurer before July 1, 2014; and

(2) the insurer intends to electronically deliver additional notices or documents to the party under this chapter;

the insurer shall, before electronically delivering the additional notices or documents, notify the party that notices or documents that were not previously electronically delivered may now be electronically delivered under this chapter and that the party has a right to withdraw consent to electronic delivery of notices or documents.

Sec. 7. (a) Except as otherwise provided by law, if an oral communication or a recording of an oral communication from a party can be reliably stored and reproduced by an insurer, the oral communication or recording may qualify as an electronically delivered notice or document under this chapter.

(b) If a provision of this title or other applicable law requires a signature, notice, or document to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if:

(1) the electronic signature of the person authorized to notarize, acknowledge, verify, or give an oath; and

(2) all other information required to be included by the provision;

is attached to or logically associated with the signature, notice, or document.

Sec. 8. (a) This chapter does not modify, limit, or supersede the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

(b) This chapter does not apply to a document to which IC 27-1-44 applies.

SECTION 2. IC 27-1-44 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 44. Electronic Posting of Documents

Sec. 1. As used in this chapter, "property and casualty insurance" means one (1) or more of the types of insurance described in IC 27-1-5-1, Class 2 and Class 3.

Sec. 2. A standard property and casualty insurance policy or endorsement that does not contain personally identifiable information may be:

(1) mailed or electronically delivered (as provided in IC 27-1-43) to the insured; or

(2) posted on the insurer's Internet web site.

Sec. 3. An insurer that elects to post a property and casualty

insurance policy or endorsement on the insurer's Internet web site under section 2 of this chapter shall comply with all the following:

(1) The policy or endorsement must remain accessible as long as the policy is in force.

(2) After the expiration of the policy or endorsement, the insurer shall:

(A) archive the expired policy or endorsement for at least five (5) years; and

(B) make the expired policy or endorsement available upon request.

(3) The policy or endorsement must be posted in a manner that enables the insured to print and save the policy or endorsement using programs or applications that are widely available on the Internet and free of charge.

(4) The insurer provides to the insured the following information in, or in addition to, each declaration page provided at issuance and each renewal of the policy or endorsement:

(A) A description of the specific policy or endorsement forms purchased by the insured.

(B) A method by which the insured may obtain, upon request and without charge, a paper copy of the policy or endorsement.

(C) The Internet web site address at which the policy or endorsement is posted.

(5) The insurer provides written or electronic notice, in the format preferred by the insured, of the following:

(A) Any change to the policy or endorsement form.

(B) The insured's right to obtain, upon request and without charge:

(i) a paper copy of the change to the policy or endorsement form; and

(ii) the Internet web site address at which the policy or endorsement is posted.

P.L.120-2014
[H.1062. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-1-5-2.5, AS AMENDED BY P.L.257-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in this section, "eligible school corporation" means a school corporation (as defined in IC 36-1-2-17) that satisfies all the conditions required by this section.

(b) As used in this section, "increment" means the annual difference between:

(1) the annual debt service payment for the bonds proposed to be retired or refunded; and

(2) the annual debt service payment for the proposed refunding bonds;

for each year that the bonds that are being retired or refunded would have been outstanding.

(c) In order for a school corporation to be an eligible school corporation under this section, the school corporation must determine that the percentage computed under this subsection for the school corporation is at least twenty percent (20%), regarding the year for which the latest certified levies have been determined. A school corporation shall compute its percentage as follows:

(1) Compute the amount of credits granted under IC 6-1.1-20.6 against the school corporation's combined levy for the school corporation's:

(A) debt service fund, as described in IC 20-46-7-15;

(B) capital projects fund;

(C) transportation fund;

(D) school bus replacement fund; and

(E) racial balance fund.

(2) Compute the school corporation's combined levy for the school corporation's:

(A) capital projects fund;

(B) transportation fund;

(C) school bus replacement fund; and

(D) racial balance fund.

(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

A school corporation that desires to be an eligible school corporation under this section must submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage computed under this subsection is correct. The department of local government finance shall, not later than ten (10) working days after the date the department receives the school corporation's request, certify the percentage computed under this subsection for the school corporation.

(d) A school corporation that desires to be an eligible school corporation under this section ~~must satisfy the following conditions: (1) The school corporation~~ shall conduct a public hearing and provide notice of the **purpose of the hearing and the** time, date, and place of the hearing, published as required by IC 5-3-1, before the school corporation may adopt a resolution under this section. At the public hearing, the governing body must provide the following information:

~~(A)~~ **(1)** The annual debt service payments, applicable debt service tax rate, and total debt service payments for the bonds proposed to be retired or refunded.

~~(B)~~ **(2)** The annual debt service payments, applicable debt service fund tax rate, and total debt service payments for the proposed refunding bonds.

~~(C)~~ **(3)** The annual increment for each year that the bonds that are being retired or refunded would have been outstanding and any other benefits to be derived from issuing the refunding bonds.

~~(2) The requirements of this subdivision do not apply to a school corporation that adopts a resolution under subsection (g) before January 1, 2014, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance. If the amount~~

~~determined under subsection (e)(3) is:~~

~~(A) more than forty-five percent (45%), notwithstanding IC 6-1.1-20-3.1(a) and IC 6-1.1-20-3.2(a), the school corporation shall use the petition and remonstrance process prescribed by IC 6-1.1-20-3.1(b) and IC 6-1.1-20-3.2(b) and more individuals must sign the petition for the bond refunding under this section than the number of individuals signing a remonstrance against the bond refunding; or~~

~~(B) at least thirty percent (30%) but not more than forty-five percent (45%), the school corporation shall conduct a referendum on a public question regarding the bond refunding using the process for a referendum tax levy under IC 20-46-1 and the bond refunding must be approved by the eligible voters of the school corporation. The question to be submitted to the voters in the referendum must read as follows:~~

~~"Shall _____ (insert the name of the school corporation) issue refunding bonds to refund not more than fifty percent (50%) of its outstanding bonds to provide an annual savings to the school's debt service fund that can be transferred from the school's debt service fund to the school's capital projects fund, transportation fund, or school bus replacement fund?".~~

~~(3) The requirements of this subdivision apply to a school corporation that adopts a resolution under subsection (g) before January 1, 2014, and that has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance. The school corporation must either:~~

~~(A) have the distressed unit appeal board approve the school corporation's financial plan for paying any refunding bonds issued under this section, as provided in subsection (e); or~~

~~(B) meet all of the following conditions:~~

~~(i) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the ten (10) highest among all school corporations.~~

~~(ii) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011~~

~~ranks in the ten (10) highest among all school corporations.~~

~~(iii) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.~~

~~(c) A school corporation meets the requirement of subsection (d)(3)(A) if:~~

~~(1) the school corporation submits to the distressed unit appeal board the school corporation's financial plan for paying any refunding bonds issued under this section; and~~

~~(2) the distressed unit appeal board approves the plan after making a determination that the financial plan is feasible.~~

~~The distressed unit appeal board must either approve or disapprove the financial plan not more than sixty (60) days after the later of the date the school corporation submits the financial plan under this subsection or the date on which the department of local government finance certifies the percentage computed for the school corporation under subsection (c). The distressed unit appeal board may not unreasonably deny approval of a school corporation's financial plan under this subsection.~~

(e) If at least one (1) taxpayer appearing at the public hearing under subsection (d) objects to the proposed resolution and files a written objection with the governing body of the school corporation and the county auditor not more than ten (10) days after the public hearing, a petition requesting the application of a petition and remonstrance process may be filed not more than thirty (30) days after the public hearing by one hundred (100) persons who are either owners of property within the school corporation or registered voters residing within the school corporation. Except as provided in this subsection, the provisions of IC 6-1.1-20-3.1(b) governing the initiation of a petition and remonstrance process for a controlled project (including the provisions governing verification of petitions) apply to a petition under this subsection requesting the application of a petition and remonstrance process. The following apply if a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in this subsection:

(1) The petition and remonstrance process prescribed by

IC 6-1.1-20-3.2(b) for controlled projects shall be used to determine whether the governing body of the school corporation may adopt a resolution under subsection (g) and issue refunding bonds as provided in subsection (g).

(2) The governing body of the school corporation may not adopt a resolution under subsection (g) and may not issue refunding bonds as provided in subsection (g) unless more individuals sign the petition for the bond refunding under this subsection than the number of individuals signing a remonstrance against the bond refunding under this subsection.

Except as provided in this subsection, the provisions of IC 6-1.1-20-3.2(b) governing the petition and remonstrance process for a controlled project apply to a petition and remonstrance process under this subsection.

(f) Except as provided in subsection ~~(d)(2)(A),~~ **(e),** IC 6-1.1-20 does not apply to bonds issued under this section.

(g) A school corporation that desires to be an eligible school corporation under this section must, before January 1, ~~2014,~~ **2019,** and notwithstanding any other law, adopt a resolution that sets forth the following:

(1) The determinations made under subsection (c), including the department of local government finance's certification of the percentage computed under subsection (c).

~~(2) The requirements of this subdivision do not apply to a resolution adopted under this subsection before January 1, 2014, if the school corporation has a percentage computed under subsection (c) that is at least twenty percent (20%), as certified by the department of local government finance. The result of the petition remonstrance process under subsection (d)(2)(A) or the result of the vote on the public question under subsection (d)(2)(B), whichever applies.~~

~~(3)~~ **(2)** A determination providing for the:

(A) issuance of bonds to refund not more than fifty percent (50%) of outstanding bonds or leases issued by or on behalf of the school corporation **before January 1, 2009;** and

(B) payment of redemption premiums and the costs of the refunding.

~~(4)~~ **(3)** With respect to the refunding bonds, the following:

(A) The maximum principal amount.

(B) The maximum interest rate.

(C) The annual lease or debt service payment.

(D) The final maturity date.

(E) The estimated amount of the increment that will occur for each year that the bonds that are being retired or refunded by the issuance of refunding bonds would have been outstanding.

(F) A finding that the annual debt service or lease payment on the refunding bonds will not increase the annual debt service or lease payment above the annual debt service or lease payment approved by the school corporation for the original project.

If the governing body adopts a resolution under this section, the governing body must publish notice of the adoption of the resolution as required by IC 5-3-1.

(h) An eligible school corporation may issue refunding bonds as permitted by this section. In addition, an eligible school corporation may extend the repayment period beyond the repayment period for the bonds that are being retired or refunded by the issuance of refunding bonds. However, the repayment period may be extended only once for a particular bond, and the extension may not exceed ten (10) years after the latest maturity date for any of the bonds being retired or refunded by the eligible school corporation under this section.

(i) Property taxes imposed by an eligible school corporation to pay debt service for bonds permitted by this section shall be considered for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana and for calculating a person's credit under IC 6-1.1-20.6-7.5. However, property taxes imposed by an eligible school corporation through December 31, 2019, to pay debt service for bonds permitted by this section may not be considered in an eligible county, as used in Article 10, Section 1(h) of the Constitution of the State of Indiana, for purposes of calculating the limits to property tax liability under Article 10, Section 1 of the Constitution of the State of Indiana or for calculating a person's credit under IC 6-1.1-20.6-7.5.

~~(j) If a school corporation described in subsection (d)(3)(B) issues refunding bonds as permitted by this section, the school corporation~~

~~must, not more than sixty (60) days after the department of local government finance certifies the school corporation's percentage under subsection (c), report information concerning the refunding to the distressed unit appeal board. The distressed unit appeal board shall make a non-binding review with recommendations regarding the school's financial condition and operating practices.~~

SECTION 2. IC 6-1.1-17-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) In determining the amount of the levy for a debt service fund for an ensuing year, the maximum amount allowed for an operating balance in the debt service fund is the sum of:**

(1) fifteen percent (15%) of the budget estimate for the debt service fund for the ensuing year for debt originally incurred after June 30, 2014; plus

(2) fifty percent (50%) of the budget estimate for the debt service fund for the ensuing year for debt originally incurred before July 1, 2014.

If debt is refinanced, the date the refinanced debt was originally incurred, and not the date that the refinancing is closed, is the date to be used for purposes of this subsection.

(b) For purposes of IC 6-1.1-20.6-9.5, the property taxes allowed for an operating balance in the debt service fund under this section may not be construed as an increase in a political subdivision's property tax levy to make up for a reduction in property tax collections resulting from the application of credits under IC 6-1.1-20.6.

SECTION 3. IC 6-1.1-20.6-9.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.9. (a) A school corporation is eligible to allocate credits proportionately under this section for 2014, 2015, or 2016, if the school corporation's percentage computed under this subsection is at least ten percent (10%) for its transportation fund levy for that year, as certified by the department of local government finance. A school corporation shall compute its percentage under this subsection as follows:**

(1) Compute the amount of credits granted under this chapter against the school corporation's levy for the school

corporation's transportation fund.

(2) Compute the school corporation's levy for the school corporation's transportation fund.

(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.

The computation must be made by taking into account the requirements of section 9.8 of this chapter regarding protected taxes and the impact of credits granted under this chapter on the revenue to be distributed to the school corporation's transportation fund for the particular year.

(b) A school corporation that desires to be an eligible school corporation under this section must, before May 1 of the year for which it wants a determination, submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage under subsection (a) is correct. The department of local government finance shall, not later than June 1 of that year, determine whether the percentage computed by the school corporation is accurate and certify whether the school corporation is eligible under this section.

(c) For a school corporation that is certified as eligible under this section, the school corporation may allocate the effect of the credits granted under this chapter proportionately among all the school corporation's property tax funds that are not exempt under section 7.5(b) or 7.5(c) of this chapter, based on the levy for each fund and without taking into account the requirements of section 9.8 of this chapter regarding protected taxes.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) IC 6-1.1-17-22, as added by this act, applies to property taxes first due and payable after December 31, 2014.**

(b) This SECTION expires January 1, 2016.

SECTION 5. **An emergency is declared for this act.**

P.L.121-2014
[H.1083. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 20-33-3-1, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to:

(1) a parent who employs the parent's own child; ~~or~~

(2) a person standing in place of a parent who employs a child in the person's custody; **or**

(3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;

except ~~for:~~ **in the instances of** ~~(1)~~ underage employment (section 31(a) of this chapter), ~~(2)~~ employment during school hours (section 31(b) of this chapter), and ~~(3)~~ employment in hazardous occupations designated by federal law (**as set forth in** section 35 of this chapter).

SECTION 2. IC 20-33-3-16, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. ~~(a)~~ All blank forms necessary to carry out this chapter shall be prepared by the department of labor and supplied to issuing officers **by means of electronic or printed publication.**

~~(b) Funds to pay expenses incurred by the department of labor in printing and distributing these forms are appropriated annually out of any money in the state general fund that is not otherwise appropriated.~~

SECTION 3. IC 20-33-3-28, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **(a) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the child's parent and placed**

the written permission on file in the employer's office.

(b) A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. A child covered by this ~~section~~ **subsection** may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.

SECTION 4. IC 20-33-3-35, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. The department of labor shall prohibit a child who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), **except when the child is working for the child's parent or a person standing in the place of the child's parent on a farm owned or operated by the parent or person.**

SECTION 5. IC 22-4-1-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2. (a) Unemployment benefits are paid from state funds and are not considered paid from any special insurance plan or by an employer. An application for unemployment benefits is not considered a claim against an employer, but is considered a request for unemployment benefits from the unemployment insurance benefit trust fund.**

(b) The commissioner is responsible for the proper payment of unemployment benefits without regard to the level of interest or participation in any determination or appeal by an applicant or an employer.

(c) An applicant's entitlement to unemployment benefits is determined based on the information that is available without regard to a burden of proof. An agreement between an applicant and an employer is not binding on the commissioner in determining an applicant's entitlement to unemployment benefits.

(d) There is no presumption of entitlement or nonentitlement to unemployment benefits. There is no equitable or common law allowance for or denial of unemployment benefits.

SECTION 6. IC 22-4-2-40 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 40. As used in this article, "drug test" means a test that contains at least a five (5) drug panel that tests for the following:~~

~~(1) Amphetamines.~~

~~(2) Cocaine.~~

~~(3) Opiates (2,000 ng/ml).~~

~~(4) PCP.~~

~~(5) THC.~~

~~A drug test described in this section must be performed at a United States Department of Health and Human Services certified laboratory, with specimen collection performed by a collector certified by the United States Department of Transportation and the cost of the drug test paid by the employer.~~

SECTION 7. IC 22-4-3-4, AS AMENDED BY P.L.6-2012, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~(a) Except as provided in subsection (b),~~ An individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds that the individual:

(1) is on a vacation week; and

(2) is receiving, or has received, remuneration from the employer for that week.

~~(b) Subsection (a) does not apply to an individual whose employer fails to comply with a department rule or policy regarding the filing of a notice, report, information, or claim in connection with an individual, group, or mass separation arising from the vacation period.~~

SECTION 8. IC 22-4-3-5, AS AMENDED BY P.L.6-2012, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) ~~Except as provided in subsection (c) and~~ Subject to subsection (b), an individual is not totally unemployed, part-totally unemployed, or partially unemployed for any week in which the department finds the individual:

(1) is on a vacation week; and

(2) has not received remuneration from the employer for that week, because of:

(A) a written contract between the employer and the employees; or

(B) the employer's regular vacation policy and practice.

(b) Subsection (a) applies only if the department finds that the individual has a reasonable assurance that the individual will have employment available with the employer after the vacation period ends.

~~(c) Subsection (a) does not apply to an individual whose employer fails to comply with a department rule or policy regarding the filing of a notice, report, information, or claim in connection with an individual, group, or mass separation arising from the vacation period.~~

SECTION 9. IC 22-4-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Payments in lieu of a vacation awarded to an employee by an employing unit shall be considered as deductible income in and with respect to the week in which the ~~same is actually paid.~~ **vacation occurs.**

(b) The payment of accrued vacation pay, dismissal pay, or severance pay to an individual separated from employment by an employing unit shall be allocated to the period of time for which such payment is made immediately following the date of separation, and an individual receiving such payments shall not be deemed unemployed with respect to a week during which such allocated deductible income equals or exceeds the weekly benefit amount of ~~his~~ **the individual's** claim.

(c) Pay for:

(1) idle time;

(2) sick pay;

(3) traveling expenses granted to an individual by an employing unit and not fully accounted for by such individual;

(4) earnings from self-employment;

(5) awards by the National Labor Relations Board of additional pay, back pay, or for loss of employment; ~~or~~

(6) ~~any such~~ payments made under an agreement entered into by an employer, a union, and the National Labor Relations Board; ~~and~~ **or**

(7) payments to an employee by an employing unit made pursuant to the terms and provisions of the Fair Labor Standards Act;

shall be deemed to constitute deductible income with respect to the week or weeks for which such payments are made. However, if ~~such~~

payments made ~~pursuant to the provisions of the National Labor Relations Act or of the Fair Labor Standards Act or through agreement with a union~~ **under subsection (c)(5) or (c)(6)** are not, by the terms of the order or agreement under which ~~said~~ **the** payments are made, allocated to any designated week or weeks, then, and in such cases, such payments shall be considered as deductible income in and with respect to the week in which the same is actually paid.

~~(b)~~ **(d)** Holiday pay ~~which is paid not later than the normal pay day for the pay period in which the holiday occurred~~ shall be deemed to constitute deductible income with respect to the week ~~for~~ **in** which ~~such payments are made. Holiday pay which is paid after the normal pay day for the pay period in which~~ the holiday ~~occurred shall be considered as deductible income in and with respect to the week in which the same is actually paid.~~ **occurs.**

~~(c)~~ **(e)** Payment of vacation pay ~~if made prior to the vacation period or not later than the normal pay day for the pay period in which the vacation was taken,~~ shall be deemed deductible income with respect to the week or weeks falling within such vacation period for which vacation payment is made. ~~Payment of vacation pay made subsequent to the normal pay day for the pay period in which the vacation was taken shall be deemed deductible income with respect to the week in which such payment is made.~~

SECTION 10. IC 22-4-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Prior to January 1, 1978, "employer" means any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or preceding calendar year, has or had in employment, and/or has incurred liability for wages payable to one (1) or more individuals (irrespective of whether the same individuals are or were employed in each such day), or any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars ($1,500) or more, except as provided in IC 22-4-7-2(h). Subsequent to December 31, 1977,~~

(a) Before January 1, 2015, "employer" means:

(1) any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty (20) different

weeks, whether or not such weeks are or were consecutive within either the current or the preceding year, has or had in employment, and/or has incurred liability for wages payable to, one (1) or more individuals (irrespective of whether the same individual or individuals are or were employed in each such day); or

(2) any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars ($1,500) or more, except as provided in ~~IC 22-4-7-2(h), (e), and (i).~~ **section 2(e), 2(h), and 2(i) of this chapter.**

(b) After December 31, 2014, "employer" means either of the following:

(1) An employing unit that has incurred liability for wages payable to one (1) or more individuals.

(2) An employing unit that in any calendar quarter during the current or preceding calendar year paid for service in employment wages of one dollar ($1) or more, except as provided in section 2(e), 2(h), and 2(i) of this chapter.

(c) For the purpose of this definition, if any week includes both December 31, and January 1, the days up to January 1 shall be deemed one (1) calendar week and the days beginning January 1 another such week.

(d) For purposes of this section, "employment" shall include services which would constitute employment but for the fact that such services are deemed to be performed entirely within another state pursuant to an election under an arrangement entered into by the board (pursuant to IC 22-4-22) and an agency charged with the administration of any other state or federal unemployment compensation law.

SECTION 11. IC 22-4-13-1.1, AS AMENDED BY P.L.154-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) Notwithstanding any other provisions of this article, if an individual knowingly:

(1) fails to disclose amounts earned during any week in the individual's waiting period, benefit period, or extended benefit period; or

(2) fails to disclose or has falsified any fact;

that would disqualify the individual for benefits, reduce the individual's

benefits, or render the individual ineligible for benefits or extended benefits, the individual forfeits any wage credits earned or any benefits or extended benefits that might otherwise be payable to the individual for ~~the period~~ **any week** in which the failure to disclose or falsification ~~occurs.~~ **caused benefits to be paid improperly.**

(b) In addition to amounts forfeited under subsection (a), an individual is subject to the following civil penalties for each instance in which the individual knowingly fails to disclose or falsifies any fact that if accurately reported to the department would disqualify the individual for benefits, reduce the individual's benefits, or render the individual ineligible for benefits or extended benefits:

(1) For the first instance, an amount equal to twenty-five percent (25%) of the benefit overpayment.

(2) For the second instance, an amount equal to fifty percent (50%) of the benefit overpayment.

(3) For the third and each subsequent instance, an amount equal to one hundred percent (100%) of the benefit overpayment.

(c) The department's determination under this section constitutes an initial determination under IC 22-4-17-2(a) and is subject to a hearing and review under IC 22-4-17-3 through IC 22-4-17-15.

(d) Interest and civil penalties collected under this chapter shall be deposited as follows:

(1) Fifteen percent (15%) of the amount collected shall be deposited in the unemployment insurance benefit fund established under IC 22-4-26-1.

(2) The remainder of the amount collected shall be deposited in the special employment and training services fund established under IC 22-4-25-1.

SECTION 12. IC 22-4-15-1, AS AMENDED BY P.L.175-2009, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) ~~With respect to benefit periods established on and after July 6, 1980, an individual who has voluntarily left the individual's most recent employment without good cause in connection with the work or who was discharged from the individual's most recent employment for just cause~~ **Regarding an individual's most recent separation from employment before filing an initial or additional claim for benefits, an individual who voluntarily left the employment without good cause in connection with the work or**

was discharged from the employment for just cause is ineligible for waiting period or benefit rights for the week in which the disqualifying separation occurred and until:

(1) the individual has earned remuneration in employment ~~equal to or exceeding the weekly benefit amount of the individual's claim~~ in ~~each of~~ **at least** eight (8) weeks; **and**

(2) the remuneration earned equals or exceeds the product of the weekly benefit amount multiplied by eight (8).

If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by an amount determined as follows:

(1) For the first separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of:

(A) the maximum benefit amount of the individual's current claim, as initially determined; multiplied by

(B) seventy-five percent (75%);

rounded (if not already a multiple of one dollar ($1)) to the next higher dollar.

(2) For the second separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of:

(A) the maximum benefit amount of the individual's current claim determined under subdivision (1); multiplied by

(B) eighty-five percent (85%);

rounded (if not already a multiple of one dollar ($1)) to the next higher dollar.

(3) For the third and any subsequent separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of:

(A) the maximum benefit amount of the individual's current claim determined under subdivision (2); multiplied by

(B) ninety percent (90%);

rounded (if not already a multiple of one dollar ($1)) to the next higher dollar.

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from the individual's employment if:

(A) the individual left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of continued covered employment and betterment of wages or working conditions and thereafter was employed on said job;

(B) having been simultaneously employed by two (2) employers, the individual leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) the individual left to accept recall made by a base period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left the individual's work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, the individual shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because the individual is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's employment if:

(A) the employment was outside the individual's labor market;

(B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and

(C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

(8) An individual shall not be subject to disqualification if the individual voluntarily left employment or was discharged due to circumstances directly caused by domestic or family violence (as defined in IC 31-9-2-42). An individual who may be entitled to benefits based on this modification may apply to the office of the attorney general under IC 5-26.5 to have an address designated by the office of the attorney general to serve as the individual's address for purposes of this article.

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

(1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;

(2) knowing violation of a reasonable and uniformly enforced rule of an employer, including a rule regarding attendance;

(3) if an employer does not have a rule regarding attendance, an individual's unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;

(4) damaging the employer's property through willful negligence;

(5) refusing to obey instructions;

(6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;

(7) conduct endangering safety of self or coworkers;

(8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction; or

(9) any breach of duty in connection with work which is reasonably owed an employer by an employee.

(e) To verify that domestic or family violence has occurred, an individual who applies for benefits under subsection (c)(8) shall provide one (1) of the following:

(1) A report of a law enforcement agency (as defined in IC 10-13-3-10).

(2) A protection order issued under IC 34-26-5.

(3) A foreign protection order (as defined in IC 34-6-2-48.5).

(4) An affidavit from a domestic violence service provider verifying services provided to the individual by the domestic violence service provider.

SECTION 13. IC 22-4-15-2, AS AMENDED BY P.L.12-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) With respect to benefit periods established

on and after July 3, 1977, an individual is ineligible for waiting period or benefit rights, or extended benefit rights, if the department finds that, being totally, partially, or part-totally unemployed at the time when the work offer is effective or when the individual is directed to apply for work, the individual fails without good cause:

(1) to apply for available, suitable work when directed by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service;

(2) to accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service, or an employment unit; or

(3) to return to the individual's customary self-employment when directed by the commissioner or the deputy.

(b) With respect to benefit periods established on and after July 6, 1980, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(c) With respect to extended benefit periods established on and after July 5, 1981, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of four (4) weeks.

(d) If an individual failed to apply for or accept suitable work as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by an amount determined as follows:

(1) For the first failure to apply for or accept suitable work, the maximum benefit amount of the individual's current claim is equal to the result of:

(A) the maximum benefit amount of the individual's current

claim, as initially determined; multiplied by

(B) seventy-five percent (75%);

rounded (if not already a multiple of one dollar ($1)) to the next higher dollar.

(2) For the second failure to apply for or accept suitable work, the maximum benefit amount of the individual's current claim is equal to the result of:

(A) the maximum benefit amount of the individual's current claim determined under subdivision (1); multiplied by

(B) eighty-five percent (85%);

rounded (if not already a multiple of one dollar ($1)) to the next higher dollar.

(3) For the third and any subsequent failure to apply for or accept suitable work, the maximum benefit amount of the individual's current claim is equal to the result of:

(A) the maximum benefit amount of the individual's current claim determined under subdivision (2); multiplied by

(B) ninety percent (90%);

rounded (if not already a multiple of one dollar ($1)) to the next higher dollar.

(e) In determining whether or not any such work is suitable for an individual, the department shall consider:

(1) the degree of risk involved to such individual's health, safety, and morals;

(2) the individual's physical fitness and prior training and experience;

(3) the individual's length of unemployment and prospects for securing local work in the individual's customary occupation; and

(4) the distance of the available work from the individual's residence.

However, work under substantially the same terms and conditions under which the individual was employed by a base-period employer, which is within the individual's prior training and experience and physical capacity to perform, shall be considered to be suitable work unless the claimant has made a bona fide change in residence which makes such offered work unsuitable to the individual because of the distance involved. During the fifth through the eighth consecutive week of claiming benefits, work is not considered unsuitable solely because

the work pays not less than ninety percent (90%) of the individual's prior weekly wage. After eight (8) consecutive weeks of claiming benefits, work is not considered unsuitable solely because the work pays not less than eighty percent (80%) of the individual's prior weekly wage. However, work is not considered suitable under this section if the work pays less than Indiana's minimum wage as determined under IC 22-2-2. For an individual who is subject to section 1(c)(8) of this chapter, the determination of suitable work for the individual must reasonably accommodate the individual's need to address the physical, psychological, legal, and other effects of domestic or family violence.

(f) Notwithstanding any other provisions of this article, no work shall be considered suitable and benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(2) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.

(4) If as a condition of being employed the individual would be required to discontinue training into which the individual had entered with the approval of the department.

(g) Notwithstanding subsection (e), with respect to extended benefit periods established on and after July 5, 1981, "suitable work" means any work which is within an individual's capabilities. However, if the individual furnishes evidence satisfactory to the department that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made as provided in subsection (e).

(h) With respect to extended benefit periods established on and after July 5, 1981, no work shall be considered suitable and extended benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the gross average weekly remuneration payable to the individual for the position would not exceed the sum of:

(A) the individual's average weekly benefit amount for the individual's benefit year; plus

(B) the amount (if any) of supplemental unemployment compensation benefits (as defined in Section 501(c)(17)(D) of the Internal Revenue Code) payable to the individual for such week.

(2) If the position was not offered to the individual in writing or was not listed with the department of workforce development.

(3) If such failure would not result in a denial of compensation under the provisions of this article to the extent that such provisions are not inconsistent with the applicable federal law.

(4) If the position pays wages less than the higher of:

(A) the minimum wage provided by 29 U.S.C. 206(a)(1) (the Fair Labor Standards Act of 1938), without regard to any exemption; or

(B) the state minimum wage (IC 22-2-2).

(i) The department of workforce development shall refer individuals eligible for extended benefits to any suitable work (as defined in subsection (g)) to which subsection (h) would not apply.

(j) An individual is considered to have refused an offer of suitable work under subsection (a) if an offer of work is withdrawn by an employer after an individual:

(1) tests positive for drugs after a drug test given on behalf of the prospective employer as a condition of an offer of employment; or

(2) refuses, without good cause, to submit to a drug test required by the prospective employer as a condition of an offer of employment.

~~(k) For purposes of this article, a drug test is not found to be positive unless:~~

~~(1) a second confirmation test:~~

~~(A) renders a positive result that has been performed by a SAMHSA (as defined in IC 22-10-15-3) certified laboratory on the same sample used for the first screen test using gas chromatography mass spectrometry for the purposes of confirming or refuting the screen test results; and~~

~~(B) has been reviewed by a licensed physician and:~~

~~(i) the laboratory results described in clause (A);~~

~~(ii) the individual's medical history; and~~

~~(iii) other relevant biomedical information;~~

~~confirm a positive result of the drug tests; or~~

~~(2) the individual who has submitted to the drug test has no valid medical reason for testing positive for the substance found in the drug test.~~

~~(l)~~ **(k)** The department's records concerning the results of a drug test described in subsection (j) may not be admitted against a defendant in a criminal proceeding.

SECTION 14. IC 22-4-15-6.1, AS AMENDED BY P.L.175-2009, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) Notwithstanding any other provisions of this article, all of the individual's wage credits established prior to the day upon which the individual was discharged for gross misconduct in connection with work are canceled.

(b) As used in this section, "gross misconduct" means any of the following committed in connection with work, as determined by the department by a preponderance of the evidence:

(1) A felony.

(2) A Class A misdemeanor.

(3) Working, or reporting for work, in a state of intoxication caused by the individual's use of alcohol or a controlled substance (as defined in IC 35-48-1-9).

(4) Battery on another individual while on the employer's property or during working hours.

(5) Theft or embezzlement.

(6) Fraud.

~~(c) An employer:~~

~~(1) has the burden of proving by a preponderance of the evidence that a discharged employee's conduct was gross misconduct; and~~

~~(2) may present evidence that the employer filled or maintained the position or job held by the discharged employee after the employee's discharge.~~

~~(d) Evidence that a discharged employee's conduct did not result in:~~

~~(1) a prosecution for an offense; or~~

~~(2) a conviction of an offense;~~

~~may be presented.~~

~~(c)~~ **(c)** If evidence is presented that an action or requirement of the employer may have caused the conduct that is the basis for the employee's discharge, the conduct is not gross misconduct under this section.

~~(f)~~ **(d)** Lawful conduct not otherwise prohibited by an employer is not gross misconduct under this section.

SECTION 15. IC 22-4-15-8, AS AMENDED BY P.L.108-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. Notwithstanding any other provisions of this article, benefits otherwise payable for any week under this article shall not be denied or reduced on account of any payment or payments the claimant receives, has received, will receive, or accrues right to receive with respect to or based upon such week under a private unemployment benefit plan financed in whole or part by the claimant's employer or former employer. No claim for repayment of benefits and no deduction from benefits otherwise payable under this article shall be made under IC 22-4-13-1(d) and IC 22-4-13-1(e) because of payments which have been or will be made under such private unemployment benefit plans. **However, a payment of private unemployment benefits that is conditional upon the signing of a release of employment related claims against the claimant's employer is severance pay and is deductible income as prescribed by IC 22-4-5-2.**

SECTION 16. IC 22-4-17-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Any decision of the review board, in the absence of appeal as provided in this section, shall become final ~~fifteen (15)~~ **thirty (30)** days after the date the decision is mailed to the interested parties. The review board shall mail with the decision a notice informing the interested parties of their right to appeal the decision to the court of appeals of Indiana. The notice shall inform the parties that they have ~~fifteen (15)~~ **thirty (30)** days from the date of mailing within which to file a notice of intention to appeal, and that in order to perfect the appeal they must request the preparation of a transcript in accordance with section 12 of this chapter.

(b) If the commissioner or any party adversely affected by the decision files with the review board a notice of an intention to appeal the decision, that action shall stay all further proceedings under or by virtue of the review board decision for a period of thirty (30) days from

the date of the filing of the notice, and, if the appeal is perfected, further proceedings shall be further stayed pending the final determination of the appeal. However, if an appeal from the decision of the review board is not perfected within the time provided for by this chapter, no action or proceeding shall be further stayed.

SECTION 17. IC 22-4-25-1, AS AMENDED BY P.L.182-2009(ss), SECTION 368, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended,

which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section **and for the prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments,** and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) Whenever the balance in the special employment and training services fund exceeds eight million five hundred thousand dollars ($8,500,000), the board shall order payment of the amount that exceeds eight million five hundred thousand dollars ($8,500,000) into the unemployment insurance benefit fund.

(c) Subject to the approval of the board, and the availability of funds, on ~~July 1, 2008, and each subsequent~~ July 1 **each year** the commissioner shall release:

(1) one million dollars ($1,000,000) to the state educational institution established under IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

(2) four million dollars ($4,000,000) to the state educational institution instituted and incorporated under IC 21-22-2-1 for training provided to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

(3) two hundred fifty thousand dollars ($250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2);

(4) four hundred thousand dollars ($400,000) annually for training and counseling assistance:

(A) provided by Hometown Plans under 41 CFR 60-4.5; and

(B) approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars ($20,000); and

(5) three hundred thousand dollars ($300,000) annually for training and counseling assistance provided by the state institution established under IC 21-25-2-1 to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars ($20,000) for the purpose of enabling those individuals to apply for admission to apprenticeship programs offered by providers approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(d) The funds released under subsection (c)(4) through (c)(5):

(1) shall be considered part of the amount allocated under section 2.5 of this chapter; and

(2) do not limit the amount that an entity may receive under section 2.5 of this chapter.

(e) Each state educational institution described in subsection (c) is entitled to keep ten percent (10%) of the funds released under subsection (c) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds released under subsection (c) not used by the state educational institutions under subsection (c) shall be returned to the special employment and training services fund.

SECTION 18. IC 22-4.1-18-2, AS AMENDED BY P.L.6-2012, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department may grant ~~a general educational development (GED)~~ **an Indiana high school equivalency** diploma to an individual who achieves satisfactory high school level scores on the ~~general educational development (GED)~~ **Indiana high school equivalency** test or any other properly validated test of comparable difficulty designated by the council.

SECTION 19. IC 22-4.1-18-4, AS ADDED BY P.L.7-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The ~~council~~ **department** shall adopt rules under IC 4-22-2 to provide for the implementation and administration

of this chapter.

(b) The rules may include the following provisions:

(1) Qualifications of applicants.

(2) Acceptable tests.

(3) Acceptable test scores.

(4) Criteria for retesting.

SECTION 20. IC 22-4.1-18-5, AS ADDED BY P.L.7-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A high school equivalency certificate or a general educational development (GED) diploma issued under IC 20-20-6 (before its repeal) is equivalent to ~~a general educational development (GED)~~ **an Indiana high school equivalency** diploma issued under this chapter.

SECTION 21. IC 22-4.1-20-4, AS ADDED BY P.L.7-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Money appropriated by the general assembly for adult education may be used only to reimburse an eligible provider for adult education that is provided to individuals who:

(1) need the education to master a skill that leads to:

(A) the completion of grade 8; or

(B) ~~a general educational development (GED)~~ **an Indiana high school equivalency** diploma under IC 22-4.1-18;

(2) need the education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate, ~~or~~ a general educational development (GED) diploma, **or an Indiana high school equivalency diploma),** but who demonstrate basic skill deficiencies in mathematics or English/language arts.

For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in subdivision (3) may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

(b) The council shall provide for reimbursement to an eligible provider under this section for instructor salaries and administrative and support costs. However, the council may not allocate more than

fifteen percent (15%) of the total appropriation under subsection (a) for administrative and support costs.

SECTION 22. **An emergency is declared for this act.**

P.L.122-2014
[H.1107. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 32-21-2-3.5, AS ADDED BY P.L.43-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) This section applies only to land developments that include:

(1) at least two hundred fifty (250) single family homes; and

(2) at least ~~twelve (12)~~ **two (2)** different sections of lots:

(A) whose titles have all been conveyed from the land developer;

(B) whose first plat and covenants have been recorded in the office of the county recorder for at least fifteen (15) years;

(C) that are all governed by one (1) homeowners association; and

(D) that are not all subject to the same homeowners association covenants.

(b) Except as provided in subsection (c), if the lots included as part of one (1) homeowners association are not all subject to the same homeowners association covenants, new replacement covenants may be recorded by the homeowners association using one (1) of the following methods:

(1) The homeowners association covenants may be recorded in accordance with section 3 of this chapter.

(2) Notwithstanding any covenant provisions or bylaws of the

homeowners association concerning amendments or revisions to homeowners association covenants, the homeowners association may:

(A) distribute to the owner of each lot included as part of the homeowners association:

(i) a proposed set of homeowners association covenants that would apply to all lots included as part of the homeowners association; and

(ii) a petition to be signed by each lot owner on which the owner indicates whether the owner approves or disapproves of applying the proposed covenants to all lots included as part of the homeowners association; and

(B) submit the petitions and covenants to the county recorder if:

(i) the lesser of a percentage of lot owners specified in the covenants or two-thirds (2/3) of all lot owners approve of applying the covenants to all lots included as part of the homeowners association, as indicated by the petitions signed by the lot owners; and

(ii) notwithstanding section 3 of this chapter, the signature of each lot owner has been affirmed before a notary public or an officer of the homeowners association submits an affidavit with the covenants and the petitions that verifies and certifies the signatures on the petitions.

Homeowners association covenants submitted to a county recorder in accordance with this subdivision are considered to be in effect on the date the covenants are recorded.

(c) A new replacement covenant described in subsection (b) does not apply to and is not binding on property in one (1) section of lots to the extent that the new replacement covenant:

(1) changes an existing covenant that pertains to minimum lot area or minimum home size; or

(2) adds a new covenant that pertains to minimum lot area or minimum home size.

(d) A new replacement covenant described in subsection (b) applies only prospectively, beginning on the date the covenant is recorded. The adoption of a new replacement covenant does not require a person to

alter the person's home or lot to comply with the new replacement covenant if the condition of the person's home or lot was permissible or authorized under the previous covenant.

P.L.123-2014
[H.1110. Approved March 25, 2014.]

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

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

SECTION 1. IC 14-11-3-4, AS AMENDED BY P.L.103-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Upon receiving an order from the bureau under IC 31-25-4-32(j), the director shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full; **or**

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; ~~or~~

~~(C) requests a hearing under IC 31-25-4-33;~~

within twenty (20) days after the date the notice is mailed, the director shall place the person on probationary status with respect to any license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written

application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full; **or**

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5. ~~and~~

~~(C) request a hearing under IC 31-25-4-33.~~

(6) Explains that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau under IC 31-25-4-34(e), the director shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the director receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the director is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the director shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the director shall suspend the person's license.

(d) The director may not reinstate a license placed on probation or suspended under this section until the director receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

SECTION 2. IC 31-9-2-47, AS AMENDED BY P.L.145-2006, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 47. "Foster parent", for purposes of the juvenile law, means an individual who provides care and supervision to a child in

~~(1)~~ a foster family home (as defined in IC 31-9-2-46.9). ~~or~~

~~(2) a home approved as a foster family home under IC 31-27~~.

SECTION 3. IC 31-9-2-106.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 106.5. "Related", for purposes of IC 31-27 and IC 31-28-5.8, means any of the following relationships to an individual by marriage, blood, or adoption:~~

~~(1) Parent.~~

~~(2) Grandparent.~~

~~(3) Brother.~~

~~(4) Sister.~~

~~(5) Stepparent.~~

~~(6) Stepgrandparent.~~

~~(7) Stepbrother.~~

~~(8) Stepsister.~~

~~(9) First cousin.~~

~~(10) Uncle.~~

~~(11) Aunt.~~

SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.191-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18, IC 31-19-22, and IC 31-19-25, means:

(1) an adoptive or whole blood related parent;

(2) a sibling; or

(3) a child.

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

(1) a maternal or paternal grandparent;

(2) an adult aunt or uncle; or

(3) any other adult relative suggested by either parent of a child.

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

(1) A parent.

(2) A grandparent.

(3) A brother.

(4) A sister.

(5) A stepparent.

(6) A stepgrandparent.

(7) A stepbrother.

(8) A stepsister.

(9) A first cousin.

(10) An uncle.

(11) An aunt.

(12) Any other individual with whom a child has an established and significant relationship.

SECTION 5. IC 31-16-15-2.5, AS ADDED BY P.L.103-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) If, in a Title IV-D case, an income withholding order has not been issued with a support order under section 0.5 of this chapter, a Title IV-D agency ~~may:~~ **shall:**

(1) issue an income withholding order ~~with the support order; and (2) after providing notice under section 3.5 of this chapter, implement the income withholding order unless the court:~~

~~(A) stays~~ **as required under IC 31-25-4-17 unless the court has stayed** the implementation of the income withholding

order under section 0.5(c) of this chapter; and

~~(B) provides a written finding of the stay in the support order.~~

(2) provide notice under section 3.5 of this chapter to the obligor.

(b) In a Title IV-D case in which the implementation of an income withholding order was stayed under section 0.5(c) of this chapter, the Title IV-D agency ~~may:~~ **shall:**

(1) ~~after providing~~ **provide** notice under section 3.5 of this chapter **and** lift the stay **by issuing an income withholding order** if the obligor's child support and arrearage payments are delinquent; or

(2) lift the stay **by issuing an income withholding order** if the obligor requests implementation of the income withholding order.

(c) In a Title IV-D case, if:

(1) an income withholding order was stayed under section 0.5(c) of this chapter; and

(2) an obligor requests the implementation of the income withholding order;

the Title IV-D agency is not required to give notice under section 3.5 of this chapter ~~before~~ **when** implementing the income withholding order.

(d) An income withholding order issued under subsection (a) **or (b):**

(1) has the same force and effect; and

(2) is enforceable in the same manner;

as an income withholding order issued by a court.

(e) The total amount required to be withheld under an income withholding order implemented under this section is the sum of:

(1) the obligor's current child support obligation; plus

(2) the amount of arrearage payment ordered by the court; plus

(3) an additional amount as determined under subsection (f) for:

(A) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or

(B) any additional arrearage that:

(i) has not been adjudicated; and

(ii) accrues since the last adjudication of arrearage by the court.

(f) If an obligor subject to an income withholding order is in arrears, unless otherwise ordered by a court, the Title IV-D agency or its agent

may increase the weekly amount withheld as follows:

(1) If the arrearages are at least ten dollars ($10) and less than five hundred dollars ($500), an additional amount of up to ten dollars ($10).

~~(1)~~ **(2)** If the arrearages are at least five hundred dollars ($500) and less than three thousand dollars ($3,000), an additional amount of up to twenty dollars ($20).

~~(2)~~ **(3)** If the arrearages are at least three thousand dollars ($3,000) and less than five thousand dollars ($5,000), an additional amount of up to twenty-five dollars ($25).

~~(3)~~ **(4)** If the arrearages are at least five thousand dollars ($5,000) and less than ten thousand dollars ($10,000), an additional amount of up to thirty dollars ($30).

~~(4)~~ **(5)** If the arrearages are at least ten thousand dollars ($10,000) and less than fifteen thousand dollars ($15,000), an additional amount of up to thirty-five dollars ($35).

~~(5)~~ **(6)** If the arrearages are at least fifteen thousand dollars ($15,000) and less than twenty thousand dollars ($20,000), an additional amount of up to forty dollars ($40).

~~(6)~~ **(7)** If the arrearages are at least twenty thousand dollars ($20,000) and less than twenty-five thousand dollars ($25,000), an additional amount of up to forty-five dollars ($45).

~~(7)~~ **(8)** If the arrearages are at least twenty-five thousand dollars ($25,000), an additional amount of up to fifty dollars ($50).

(g) A court is not bound by and is not required to consider the additional amounts described in subsection (f) when ordering, modifying, or enforcing periodic payments of child support.

SECTION 6. IC 31-16-15-3.5, AS AMENDED BY P.L.128-2012, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Except as provided under section 2.5(c) of this chapter, a Title IV-D agency shall issue a notice ~~of intent~~ to withhold income to an obligor ~~before~~ **when** the Title IV-D agency implements an income withholding order under section ~~2.5~~ **2.5(a) or 2.5(b)** of this chapter. The notice is sufficient for all future income withholding until the child support obligation is fully satisfied.

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

(1) A statement that income withholding has commenced, and if the notice is provided for an income withholding order

issued under section 2.5(b) of this chapter, that the stay has been lifted.

~~(1)~~ **(2)** A statement that an income withholding order will be sent to all current and future income payors.

~~(2)~~ **(3)** If applicable, the amount of child support that the obligor is in arrears.

~~(3)~~ **(4)** A statement that the income shall be:

(A) withheld by a current and future income payor from the obligor's income for the payment of child support; and

(B) forwarded to the state central collection unit with a statement identifying the:

(i) cause number for the obligee;

(ii) name of the obligor;

(iii) name of the obligee with the applicable income withheld for each obligee forwarded from the income payor; and

(iv) Indiana support enforcement tracking system (ISETS) or its successor statewide automated support enforcement system number for each obligee.

~~(4)~~ **(5)** A statement that the total amount of income to be withheld by the Title IV-D agency under the income withholding order is the sum of:

(A) the obligor's current child support obligation; plus

(B) the amount of any arrearage payment ordered by the court; plus

(C) an additional amount as determined under section 2.5(f) of this chapter for:

(i) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or

(ii) any additional arrearage that has not been adjudicated and accrues since the last adjudication of arrearage by the court; plus

(D) a fee of two dollars ($2), which must be paid at the income payor's option to the income payor each time the income payor forwards income to the state central collection unit.

~~(5)~~ **(6)** A statement that:

(A) the total amount withheld under the income withholding order may not exceed the maximum amount permitted under

15 U.S.C. 1673(b);

(B) the income withholding order applies to the receipt of any current or subsequent income from a current or future income payor;

(C) the obligor may contest the Title IV-D agency's determination to implement an income withholding order by making written application to the Title IV-D agency not more than twenty (20) days after the date the notice under this section is mailed to the obligor;

(D) the only basis for contesting the implementation of an income withholding order is a mistake of fact;

(E) if the obligor contests the Title IV-D agency's determination to implement the income withholding order, the Title IV-D agency shall schedule an administrative hearing;

~~(F) if the obligor does not contest the Title IV-D agency's determination to implement an income withholding order within the period of time required under section 4.3 of this chapter, the Title IV-D agency shall implement the income withholding order;~~

~~(G)~~ **(F)** an income payor shall:

(i) begin withholding income not later than the first pay date after fourteen (14) days following the date the income withholding order is received by the income payor; and

(ii) report to the state central collection unit the date on which the income was withheld from the obligor's income;

~~(H)~~ **(G)** if an income payor is required to withhold income from more than one (1) obligor, the income payor may combine the withheld amount of income into a single payment for all obligors who are required to make payments to the state central collection unit if the income payor identifies the part of the single payment that is attributable to each individual obligor;

~~(I)~~ **(H)** if the obligor has:

(i) more than one (1) income withholding order against the obligor; and

(ii) insufficient disposable earnings to pay the amount of income withholding for all income withholding orders;

an income payor shall distribute the withheld income pro rata

among the persons entitled to receive income under the income withholding orders, giving priority to a current income withholding order;

~~(J)~~ **(I)** an income payor shall honor all withholdings to the extent that the total amount withheld does not exceed limits imposed under 15 U.S.C. 1673(b);

~~(K)~~ **(J)** the income withholding order is binding upon the income payor until further notice by the Title IV-D agency;

~~(L)~~ **(K)** an income payor that:

(i) discharges the obligor from employment;

(ii) refuses to employ the obligor;

(iii) takes disciplinary action against the obligor employed by the income payor; or

(iv) otherwise discriminates against the obligor;

because of the existence of an income withholding order or the obligations imposed upon the income payor by the income withholding order is subject to a penalty not to exceed five thousand dollars ($5,000) payable to the state and recoverable in a civil action;

~~(M)~~ **(L)** if an income payor fails to withhold income in accordance with the income withholding order, the income payor is liable for:

(i) the accumulated amount the income payor should have withheld from the obligor's income; and

(ii) any interest, attorney's fees, and costs;

~~(N)~~ **(M)** an income withholding order under this chapter has priority over any secured or unsecured claim on income, except for claims for federal, state, and local taxes; and

~~(O)~~ **(N)** the income payor must notify the Title IV-D agency if the obligor:

(i) ceases employment with; or

(ii) no longer receives income from;

the income payor, not later than ten (10) days after the date the obligor's employment or income ceases, and provide the obligor's last known address and the name and address of the obligor's new income payor, if known, to the Title IV-D agency.

(c) If the Title IV-D agency issues a notice ~~of intent~~ to withhold

income to the obligor under this section, the Title IV-D agency is not required to provide further notice to continue to implement or amend the income withholding order unless the income withholding order is stayed by the court under section 0.5(c) of this chapter.

SECTION 7. IC 31-16-15-4.3, AS ADDED BY P.L.103-2007, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.3. (a) An obligor may contest a Title IV-D agency's determination to implement an income withholding order under section ~~2.5~~ **2.5(a) or 2.5(b)** of this chapter by making a written application to the Title IV-D agency not more than twenty (20) days after the date the notice is mailed to the obligor.

(b) The only basis on which an obligor may contest the implementation of an income withholding order under section ~~2.5~~ **2.5(a) or 2.5(b)** of this chapter is mistake of fact.

~~(c) If an obligor does not contest the implementation of an income withholding order within the period described in subsection (a), the Title IV-D agency shall send the income withholding order to the income payor not more than fifteen (15) calendar days after:~~

~~(1) the last date that the obligor has to contest the implementation of an income withholding order under subsection (a); or~~

~~(2) if the income payor's address is not known on the date described under subdivision (1), the date the Title IV-D agency obtains the income payor's address.~~

~~(d)~~ **(c)** A Title IV-D agency shall:

(1) not more than twenty-five (25) days after an obligor makes written application to contest an income withholding order under subsection (a), hold a hearing to review the Title IV-D agency's determination to implement the income withholding order; and

(2) make a determination on the implementation of the income withholding order at the hearing.

~~(e) If the Title IV-D agency implements an income withholding order after a hearing under this section, the Title IV-D agency shall provide the income withholding order to each income payor as provided under section 6.5 of this chapter.~~

SECTION 8. IC 31-25-2-23, AS ADDED BY P.L.48-2012, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) The department shall establish a permanency roundtable (as defined in IC 31-9-2-88.7). The

permanency roundtable shall review:

(1) a child's permanency plan under IC 31-34-21-5.7 if the child is placed in a child caring institution, group home, or private secure facility; and

(2) a child's permanency plan under IC 31-37-20-3 if the child is placed in a child caring institution, group home, or private secure facility;

and make recommendations to the court.

(b) The department shall establish a residential placement committee (as defined in IC 31-9-2-109.5). The residential placement committee shall, before a case plan is approved by the local office or court, review:

(1) a child's placement in a child caring institution, group home, or private secure facility under IC 31-34-15-2; and

(2) a child's placement in a child caring institution, group home, or private secure facility under IC 31-37-19-1.5 **if the placement is contrary to the department's recommendation under IC 31-37-17-1.4;**

and make recommendations to the court.

SECTION 9. IC 31-25-4-17, AS AMENDED BY P.L.207-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The bureau shall do the following:

(1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.

(2) Assist in obtaining a support order, including an order for health insurance coverage under:

(A) IC 27-8-23; or

(B) IC 31-16-6-4;

when there is no existing order and assistance is sought.

(3) Assist mothers of children born out of wedlock in establishing paternity and obtaining a support order, including an order for health insurance coverage under IC 27-8-23, when the mother has applied for assistance.

(4) Implement **immediate** income withholding in any Title IV-D case, **in accordance with 42 U.S.C. 666(a) and (b),**

~~(A) with an arrearage; and~~

~~(B)~~ without an order issued by a court or an administrative

agency.

(5) Enforce intrastate and interstate support orders using high volume automated enforcement features.

(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).

(7) In any Title IV-D case, petition:

(A) a court to:

(i) establish paternity for a child born out of wedlock; and

(ii) establish a support order, including an order for health insurance coverage under IC 27-8-23 or IC 31-16-6-4; and

(B) a court to establish or modify a support order, including an order for health insurance coverage under IC 27-8-23, IC 31-14-11-3 (before its repeal), or IC 31-16-6-4, if:

(i) there is no existing support order; or

(ii) the existing order does not include a provision for private health insurance.

(b) Whenever the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, the collected support payments (except collections made through a federal tax refund offset) shall be promptly distributed in the following order:

(1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.

(2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.

(3) Payment to the state in an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the recipient's family; or

(B) the amount assigned to the state by the recipient under IC 12-14-7-1.

(4) Payment of support payment arrearages owed to the recipient.

(5) Payment of any other support payments payable to the recipient.

(c) Whenever the bureau receives a payment through a federal tax refund offset on behalf of an individual who has received or is receiving Title IV-A assistance, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) Except as provided in section 19.5 of this chapter, whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

(e) Whenever the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

(g) The bureau, the department of child services, and the department of state revenue may not charge a custodial parent a fee to seek or receive a payment through a federal tax refund offset as described in subsection (c).

(h) When the payment of support has been assigned to the state by the application of assistance under Title IV-A or Title IV-E, the Title IV-D agency shall:

(1) first provide notice to the obligee and the obligor that the payment of support has been assigned to the state; and

(2) direct the clerk of court or the state central collection unit to forward the child support payment directly to the Title IV-D agency without further notice of the court.

(i) A payment directed to the Title IV-D agency under subsection (h) shall be disbursed in accordance with federal regulations governing the Title IV-D program.

SECTION 10. IC 31-25-4-31, AS AMENDED BY P.L.138-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. (a) The bureau shall operate a data match system with each financial institution doing business in Indiana.

(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

(1) hold one (1) or more accounts with the financial institution; and

(2) are delinquent.

(c) In order to provide the information required under subsection (b), a financial institution shall either:

(1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:

(A) name; and

(B) either Social Security number or tax identification number; or

(2) submit to the bureau a report, in a form satisfactory to the bureau, that includes the Social Security number or tax identification number of each individual maintaining an account at the financial institution. The reports submitted under this subdivision must be accessible to:

(A) the department of state revenue established by IC 6-8.1-2-1 or its agents for use only in tax judgment and levy administration described in IC 6-8.1-8-8.7(b)(2); or

(B) the department of workforce development established by IC 22-4.1-2-1 or its agents for use only in the collection of unpaid final assessments described in IC 22-4-29-14(b)(2).

(d) The information required under subsection (b) must:

(1) be provided on a quarterly basis; and

(2) include the:

(A) name;

(B) address of record; and

(C) either the Social Security number or tax identification number;

of an individual identified under subsection (b).

(e) When the bureau has determined that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual whose name appears on the quarterly list prepared by the bureau under section 30 of this chapter, the bureau shall provide a notice of the match if action is to be initiated to block or encumber the account by establishing a lien for child support payment to the:

(1) individual; and

(2) financial institution holding the account.

(f) The notice under section (e) must inform the individual that:

(1) the individual's account in a financial institution is subject to a child support lien; and

(2) the individual may file an appeal with the bureau within twenty (20) days after the date the notice was issued.

(g) The bureau shall hold a hearing under ~~470 IAC 1-4.~~ **465 IAC 3-3.** The department's final action following a hearing held under this subsection is subject to judicial review as provided in ~~470 IAC 1-4.~~ **465 IAC 3-3.**

(h) The state's lien on assets under this section is subordinate to any prior lien perfected by:

(1) a financial institution; or

(2) another legitimate lien holder.

(i) A lien issued under this section remains in effect until the earliest of:

(1) one hundred twenty (120) days after issuance;

(2) the date the asset on which the lien is issued is surrendered; or

(3) the date the lien is released by an action of the bureau.

(j) This section does not preclude a financial institution from exercising its right to:

(1) charge back or recoup a deposit to an account; or

(2) set off from an account held by the financial institution in which the noncustodial parent has an interest in any debts owed to the financial institution that existed before:

(A) the state's lien; and

(B) notification to the financial institution of the child support delinquency.

(k) A financial institution ordered to block or encumber an account

under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(l) All information provided by a financial institution under this section is confidential and is available only to the bureau or its agents for use only in child support enforcement activities.

(m) A financial institution providing information required under this section is not liable for:

(1) disclosing the required information to the bureau, the department of state revenue established by IC 6-8.1-2-1, or the department of workforce development established by IC 22-4.1-2-1;

(2) blocking or surrendering any of an individual's assets in response to a lien imposed by:

(A) the bureau under this section; or

(B) a person or entity acting on behalf of the bureau; or

(3) any other action taken in good faith to comply with this section.

(n) The department shall pay a financial institution performing the data match required by this section a reasonable fee for providing the service that does not exceed the actual cost incurred by the financial institution.

(o) This section does not prevent the bureau or its agents from encumbering an obligor's account with a financial institution by any other remedy available for the enforcement of a child support order.

SECTION 11. IC 31-27-3-18, AS AMENDED BY P.L.182-2009(ss), SECTION 374, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A licensee shall keep records regarding each child in the control and care of the licensee as the department requires and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's ~~parents or~~ relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child caring

institution.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the child caring institution.

(5) The parent, guardian, or custodian of the child at the child caring institution.

(6) A citizen review panel established under IC 31-25-2-20.4.

(7) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 12. IC 31-27-4-1, AS AMENDED BY P.L.48-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in ~~section 9 of this chapter,~~ **subsection (d),** a person may not operate a foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a foster family home without a license issued under this article.

(c) A person may not operate a foster family home if:

(1) the number of children maintained on the premises at any one

(1) time is greater than the number authorized by the license; or

(2) the children are maintained in a building or place not designated by the license.

(d) A person may operate a foster family home without a license issued under this article if the person is a relative of the child for whom the person is providing supervision and care.

SECTION 13. IC 31-27-4-2, AS AMENDED BY P.L.13-2013, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not operate a therapeutic foster family home without a certificate issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a certificate issued under this article.

(c) The department may issue a certificate only for a therapeutic foster family home that meets:

(1) all the certification requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) To receive a certificate for the operation of a therapeutic foster family home, a person must do the following:

(1) Be licensed as a foster parent under this chapter and 465 IAC 2-1-1 et seq.

(2) Participate in preservice training that includes:

(A) preservice training to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(B) additional preservice training in therapeutic foster care.

(e) A person who is issued a certificate to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and, annually thereafter, participate in training that includes:

(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training in therapeutic foster care.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than four (4) children at the same time, including the children for whom the applicant or operator is a ~~parent, stepparent,~~ **relative,** guardian, **or** custodian, ~~or other relative,~~ and only two (2) of the children may be foster children. The department may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable, the foster child has an established, meaningful relationship with the therapeutic foster parent, or it is otherwise in the foster child's best interests.

(g) An operator of a therapeutic foster family home that has a therapeutic foster child placed with the therapeutic foster family home may not accept a placement of a child who is not a therapeutic foster child unless the child who is not a therapeutic foster child is a sibling of the therapeutic foster child who is placed with the therapeutic foster family home or it is in the best interests of the child being placed.

(h) A therapeutic foster family home may provide care for an individual receiving collaborative care under IC 31-28-5.8.

(i) The department shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, necessary to carry out this section, including rules governing the number of hours of training required under subsections (d) and (e).

(j) If a therapeutic foster family home does not meet the requirements under subsection (f) or (g) on July 1, 2011, any foster child placed in the home prior to July 1, 2011, may remain placed.

However, a new placement of a child may not be made in violation of this section.

SECTION 14. IC 31-27-4-8, AS AMENDED BY P.L.48-2012, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) An applicant may not provide supervision and care as a foster family home if more than:

(1) five (5) individuals, each of whom:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or

(2) four (4) individuals less than six (6) years of age;

including the children or individuals for whom the provider is a ~~parent, stepparent,~~ **relative,** guardian, **or** custodian, ~~or other relative,~~ receive care and supervision at the facility at the same time.

(b) Not more than four (4) of the five (5) individuals in subsection (a)(1) may be less than six (6) years of age.

(c) The department may grant an exception to this section whenever the department determines that:

(1) the placement of siblings in the same foster family home is desirable;

(2) a foster child has an established, meaningful relationship with the foster parents; or

(3) it is otherwise in the foster child's best interests.

(d) If a foster family home does not meet the requirements under subsection (a) on July 1, 2011, any foster child placed in the home prior to July 1, 2011, may remain placed. However, a new placement of a child may not be made in violation of this section.

SECTION 15. IC 31-27-4-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. (a) A person may operate a foster family home without a license issued under this article if the person is providing care and supervision only for one (1) or more individuals related to the person, as defined in IC 31-9-2-106.5.~~

~~(b) An applicant may apply for a foster family home license even if the applicant will be providing care and supervision under an order of a juvenile court to a related person.~~

~~(c) If an applicant described in subsection (b) otherwise qualifies for a foster family home license, the department may issue a foster family home license to the applicant.~~

SECTION 16. IC 31-27-4-21, AS AMENDED BY P.L.182-2009(ss), SECTION 375, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's ~~parents or~~ relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the foster family home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the foster family home.

(5) The parent, guardian, or custodian of the child at the foster family home.

(6) A citizen review panel established under IC 31-25-2-20.4.

(7) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 17. IC 31-27-5-18, AS AMENDED BY P.L.182-2009(ss), SECTION 376, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department, upon request, the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's ~~parents or~~ relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the group home.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) An agency having the legal responsibility to care for a child placed at the group home.

(5) The parent, guardian, or custodian of the child at the group home.

(6) A citizen review panel established under IC 31-25-2-20.4.

(7) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 18. IC 31-27-6-15, AS AMENDED BY P.L.182-2009(ss), SECTION 377, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A licensee shall keep records required by the department regarding each child in the control and care of the licensee and shall report to the department upon request the facts the department requires with reference to children.

(b) The department shall keep records regarding children and facts learned about children and the children's ~~parents or~~ relatives confidential.

(c) The following have access to records regarding children and facts learned about children:

(1) A state agency involved in the licensing of the child placing agency.

(2) A legally mandated child protection agency.

(3) A law enforcement agency.

(4) A citizen review panel established under IC 31-25-2-20.4.

(5) The department of child services ombudsman established by IC 4-13-19-3.

SECTION 19. IC 31-28-5.8-3, AS ADDED BY P.L.48-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter, "host home" means:

(1) the home of a person ~~related to~~ **who is a relative of** an older youth that is not licensed under IC 31-27-4 or a comparable law in another state where the home is located; or

(2) the home of one (1) or more adults who are not ~~related to~~ **relatives of** the older youth.

SECTION 20. IC 31-33-18-2, AS AMENDED BY P.L.119-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) ~~A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child~~ **Any of the following** who ~~is~~ **are** investigating a report of a child who may be a victim of child abuse or neglect:

(A) A police officer or other law enforcement agency.

(B) A prosecuting attorney.

(C) A coroner, in the case of the death of a child.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in

accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 16-49-2.

(17) The statewide child fatality review committee established by

IC 16-49-4.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

(20) A citizen review panel established under IC 31-25-2-20.4.

(21) The department of child services ombudsman established by IC 4-13-19-3.

(22) The state superintendent of public instruction with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(23) The state child fatality review coordinator employed by the state department of health under IC 16-49-5-1.

(24) A person who operates a child caring institution, group home, or secure private facility if all the following apply:

(A) The child caring institution, group home, or secure private facility is licensed under IC 31-27.

(B) The report or other materials concern:

(i) an employee of;

(ii) a volunteer providing services at; or

(iii) a child placed at;

the child caring institution, group home, or secure private facility.

(C) The allegation in the report occurred at the child caring institution, group home, or secure private facility.

(25) A person who operates a child placing agency if all the following apply:

(A) The child placing agency is licensed under IC 31-27.

(B) The report or other materials concern:

(i) a child placed in a foster home licensed by the child placing agency;

(ii) a person licensed by the child placing agency to operate a foster family home;

(iii) an employee of the child placing agency or a foster family home licensed by the child placing agency; or

(iv) a volunteer providing services at the child placing agency or a foster family home licensed by the child placing agency.

(C) The allegations in the report occurred in the foster family home or in the course of employment or volunteering at the child placing agency or foster family home.

SECTION 21. IC 31-34-4-2, AS AMENDED BY P.L.158-2013, SECTION 321, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

(1) suitable and willing ~~blood or an adoptive~~ relative; ~~caretaker, including a grandparent, an aunt, an uncle, or an adult sibling;~~ **or**

(2) de facto custodian; ~~or~~

~~(3) stepparent;~~

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

~~(b)~~ **(c)** Before the department places a child in need of services with a ~~blood relative or an adoptive~~ relative ~~caretaker,~~ **or** a de facto custodian, ~~or a stepparent,~~ the department shall complete an evaluation based on a home visit of the relative's home.

~~(c)~~ **(d)** Except as provided in subsection ~~(c),~~ **(f),** before placing a child in need of services in an out-of-home placement ~~including placement with a blood or an adoptive relative caretaker, a de facto custodian, or a stepparent,~~ the department shall conduct a criminal history check of each person who is currently residing in the location

designated as the out-of-home placement.

~~(d)~~ **(e)** Except as provided in subsection ~~(f),~~ **(g),** the department may not make an out-of-home placement if a person described in subsection ~~(c)~~ **(d)** has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

~~(e)~~ **(f)** The department is not required to conduct a criminal history check under subsection ~~(c)~~ **(d)** if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

~~(f)~~ **(g)** A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection ~~(c)~~ **(d)** has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) battery (IC 35-42-2-1) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in items (i) through (vii) for which the conviction was entered in another state;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement

is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

~~(g)~~ **(h)** In considering the placement under subsection ~~(f),~~ **(g),** the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 22. IC 31-34-6-2, AS AMENDED BY P.L.146-2008, SECTION 581, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A juvenile court or the department shall consider placing a child alleged to be a child in need of services with ~~an appropriate family member~~ **a suitable and willing relative or de facto custodian** of the child before considering any other placement for the child.

(b) A juvenile court or the department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before a child is placed with a relative or de facto custodian, a home evaluation and background checks described in IC 31-34-4-2 are required.

SECTION 23. IC 31-34-19-7, AS AMENDED BY P.L.234-2005, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** In addition to the factors under section 6 of this chapter, if the court enters a dispositional decree regarding a child in need of services that includes an out-of-home placement, the court shall consider whether the child should be placed with the child's suitable and willing ~~blood or adoptive~~ relative ~~caretaker, including a grandparent, an aunt, an uncle, or an adult sibling,~~ before considering other out-of-home placements for the child.

(b) A juvenile court shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before a child is placed with a relative or de facto custodian, a home evaluation and background checks described in IC 31-34-4-2 are required.

SECTION 24. IC 31-35-2-4.5, AS AMENDED BY P.L.48-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) This section applies if:

(1) a court has made a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification with respect to a child in need of services are not required; or

(2) a child in need of services or a delinquent child:

(A) has been placed in:

(i) a foster family home, child caring institution, or group home licensed under IC 31-27; or

(ii) the home of a ~~person related (as defined in IC 31-9-2-106.5) to the child;~~ **relative (as defined in IC 31-9-2-107(c));**

as directed by a court in a child in need of services proceeding under IC 31-34 or a delinquency action under IC 31-37; and

(B) has been removed from a parent and has been under the supervision of the department or county probation department for not less than fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child.

(b) A person described in section 4(a) of this chapter shall:

(1) file a petition to terminate the parent-child relationship under section 4 of this chapter; and

(2) request that the petition be set for hearing.

(c) If a petition under subsection (b) is filed by the child's court appointed special advocate or guardian ad litem, the department shall be joined as a party to the petition.

(d) A person described in section 4(a) of this chapter may file a motion to dismiss the petition to terminate the parent-child relationship if any of the following circumstances apply:

(1) That the current case plan prepared by or under the supervision of the department or the probation department under IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4 has documented a compelling reason, based on facts and circumstances stated in

the petition or motion, for concluding that filing, or proceeding to a final determination of, a petition to terminate the parent-child relationship is not in the best interests of the child. A compelling reason may include the fact that the child is being cared for by a custodian who is a ~~parent, stepparent, grandparent, or responsible adult who is the child's sibling, aunt, or uncle or a person related (as defined in IC 31-9-2-106.5) to the child who is caring for the child as a legal guardian.~~ **relative (as defined in IC 31-9-2-107(c)).**

(2) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department or the probation department has not provided family services to the child, parent, or family of the child in accordance with a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5 or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37, for the purpose of permitting and facilitating safe return of the child to the child's home; and

(C) the period for completion of the program of family services, as specified in the current case plan, permanency plan, or decree, has not expired.

(3) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department has not provided family services to the child, parent, or family of the child, in accordance with applicable provisions of a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5, or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37; and

(C) the services that the department has not provided are substantial and material in relation to implementation of a plan to permit safe return of the child to the child's home.

The motion to dismiss shall specify which of the allegations described in subdivisions (1) through (3) apply to the motion. If the court finds that any of the allegations described in subdivisions (1) through (3) are true, as established by a preponderance of the evidence, the court shall dismiss the petition to terminate the parent-child relationship.

SECTION 25. IC 31-37-17-2, AS AMENDED BY P.L.146-2008,

SECTION 640, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the person preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a probation officer believes that an out-of-home placement would be appropriate for a delinquent child, the probation officer shall consider whether the child should be placed with ~~the child's~~ **a** suitable and willing ~~blood or adoptive~~ relative ~~caretaker~~, ~~including a grandparent, an aunt, an uncle, or an adult sibling,~~ before considering other out-of-home placements for the child.

SECTION 26. IC 31-37-17-6.1, AS AMENDED BY P.L.146-2008, SECTION 643, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) The predispositional report prepared by a probation officer must include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(4) The items required under section 1 of this chapter.

(b) If a probation officer is considering an out-of-home placement, including placement with a ~~blood or an adoptive~~ relative, ~~caretaker,~~ the probation officer must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) A probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 27. IC 31-37-19-1.5, AS AMENDED BY P.L.131-2009, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This section applies to a delinquent child if the child is placed in an out-of-home residence or facility that is not a secure detention facility.

(b) The probation department, after negotiating with the child's parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after the date of the child's first placement that the probation department requests to be paid for by the department.

(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.

(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:

(1) A permanency plan for the child and an estimated date for achieving the goal of the plan.

(2) The appropriate placement for the child based on the child's special needs and best interests.

(3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative, ~~caretaker,~~ before considering other out-of-home placements for the child.

(4) Family services recommended for the child, parent, guardian, or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

(7) A plan for ensuring the educational stability of the child while

in foster care that includes assurances that the:

(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and

(B) department has coordinated with local educational agencies to ensure:

(i) the child remains in the school where the child is enrolled at the time of removal; or

(ii) immediate, appropriate enrollment of the child in a different school if remaining in the same school is not in the best interests of the child.

(e) Each caretaker of a child and the probation department shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians, and custodians.

(2) Visitation arrangements.

(3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.

SECTION 28. IC 31-37-20-4.5, AS AMENDED BY P.L.128-2012, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) At least ten (10) days before a hearing under section 2 or 3 of this chapter, the probation department shall send notice of the hearing to each of the following:

(1) The child's parent, guardian, or custodian.

(2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.

(3) The child or an attorney who has entered an appearance on behalf of the child.

(4) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the local office;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

(5) Any other person who:

(A) the probation department has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 31-27 to provide care for the child.

(6) Any other suitable relative. ~~or person whom the probation department knows has had a significant or caretaking relationship to the child.~~

(b) The court shall provide to a person described in subsection (a) an opportunity to be heard and to make any recommendations to the court in a hearing under section 2 or 3 of this chapter. The right to be heard and to make recommendations under this subsection includes:

(1) the right of a person described in subsection (a) to submit a written statement to the court that, if served upon all parties to the delinquency proceeding and the persons described in subsection (a), may be made a part of the court record; and

(2) the right to present oral testimony to the court and cross-examine any of the witnesses at the hearing.

(c) This section does not exempt the probation department from sending a notice of the review to each party to the delinquency proceeding.

(d) The court shall continue the hearing if, at the time set for the hearing, the probation department has not provided the court with a signed verification that any person required to be notified under this section has been notified in the manner stated in the verification, unless the person appears for the hearing.

SECTION 29. IC 31-37-22-4.5, AS ADDED BY P.L.131-2009, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) This section applies to a delinquent child if the child is placed in an out-of-home residence or facility that is not

a secure detention facility.

(b) The probation department, after negotiating with the child's parent, guardian, or custodian, shall complete the child's case plan not later than sixty (60) days after the date of the child's first placement that the probation department requests to be paid for by the department.

(c) A copy of the completed case plan shall be sent to the department, to the child's parent, guardian, or custodian, and to an agency having the legal responsibility or authorization to care for, treat, or supervise the child not later than ten (10) days after the plan's completion.

(d) A child's case plan must be in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21, as amended. The case plan must include a description and discussion of the following:

(1) A permanency plan for the child and an estimated date for achieving the goal of the plan.

(2) The appropriate placement for the child based on the child's special needs and best interests.

(3) The least restrictive family like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is implemented or recommended, including consideration of possible placement with any suitable and willing relative, ~~caretaker,~~ before considering other out-of-home placements for the child.

(4) Family services recommended for the child, parent, guardian, or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

(7) A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:

(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child presently is enrolled; and

(B) department has coordinated with local educational agencies to ensure:

(i) the child remains in the school where the child is enrolled at the time of removal; or

(ii) immediate and appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.

(e) The probation department and each caretaker of a child shall cooperate in the development of the case plan for the child. The probation department shall discuss with at least one (1) foster parent or other caretaker of a child the role of the substitute caretaker or facility regarding the following:

(1) Rehabilitation of the child and the child's parents, guardians, and custodians.

(2) Visitation arrangements.

(3) Services required to meet the special needs of the child.

(f) The case plan must be reviewed and updated by the probation department at least once every one hundred eighty (180) days.

P.L.124-2014

[H.1123. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-8-13.4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 13.4. Coverage for Abortion

Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that:

(1) provides one (1) or more of the types of insurance described in IC 27-1-5-1, Class 1(b) and Class 2(a); and

(2) is issued on a group or individual basis.

(b) As used in this chapter, "accident and sickness insurance policy" does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

Sec. 2. (a) An accident and sickness insurance policy that is issued, delivered, amended, or renewed after December 31, 2014, may not provide coverage for abortion, except in the following cases:

(1) The pregnant woman became pregnant through an act of rape or incest.

(2) An abortion is necessary to avert the pregnant woman's death or a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(b) An insurer that issues an accident and sickness insurance policy described in subsection (a) may offer coverage for abortion through a rider or an endorsement.

SECTION 2. IC 27-13-7-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2014]: **Sec. 7.5. (a) A health maintenance organization that provides coverage for basic health care services and that is entered into, delivered, amended, or renewed after December 31, 2014, under a group contract or an individual contract may not provide coverage for abortion, except in the following cases:**

(1) The pregnant woman became pregnant through an act of rape or incest.

(2) An abortion is necessary to avert the pregnant woman's death or a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(b) A health maintenance organization that enters into a group contract or an individual contract described in subsection (a) may offer coverage for abortion through a rider or an endorsement.

P.L.125-2014
[H.1171. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.13-2013, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars ($6) for the first page and two dollars ($2) for each additional page of any document the recorder records if the pages

are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars ($15) for the first page and five dollars ($5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar ($1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar ($1) for each cross-reference of a recorded document.

(5) One dollar ($1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars ($2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars ($5) for acknowledging or certifying to a document.

(7) Five dollars ($5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars ($3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars ($3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents ($0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents ($2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(c) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and IC 36-2-7.5-6(b)(1), and fifty cents ($0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. **Except as provided in section 10.2 of this chapter,** the county recorder may use any money in this fund without appropriation for:

(1) the preservation of records; and

(2) the improvement of record keeping systems and equipment;

within the control of the county recorder. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for

the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

SECTION 2. IC 36-2-7-10.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10.2. (a) As used in this section, "fund" refers to the county recorder's records perpetuation fund established under section 10(d) of this chapter.**

(b) A county recorder may pay all or a portion of the expenses of the county recorder's office for the following calendar year from the fund only if:

(1) the county recorder submits to the county fiscal body a sworn statement that:

(A) the current revenue to the fund is sufficient to fulfill the statutory purpose of the fund;

(B) the technology of the county recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the fund and the county recorder's office;

(C) the fund has a sufficient reserve, consistent with the recorder's plan, to capitalize the next technology or other records management upgrade necessary to fulfill the

statutory purpose of the fund and the county recorder's office; and

(D) the county recorder specifically requests that all or a specific, identifiable portion of the fund be used to pay the expenses of the county recorder's office for the following calendar year; and

(2) the county fiscal body adopts an ordinance approving the recorder's request under subsection (c).

(c) Upon receiving the county recorder's sworn statement, the county fiscal body may adopt an ordinance approving the county recorder's request. If the ordinance is adopted, the county fiscal body shall, if specifically requested by the recorder for the following calendar year, approve sufficient money from the fund. The county fiscal body may not approve any more money from the fund for any purpose in excess of that requested by the county recorder.

(d) A county recorder's request and the county fiscal body's approval are valid for only the following calendar year. The requirements of this section must be met for each calendar year.

P.L.126-2014
[H.1183. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-85.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 85.3. "Fiscal year", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-2.**

SECTION 2. IC 13-11-2-133, AS AMENDED BY P.L.178-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 133. (a) "Municipal waste", for purposes of:

(1) IC 13-20-4;

(2) IC 13-20-6;

(3) IC 13-20-21;

(4) IC 13-20-23;

(5) IC 13-20.5-10;

(6) IC 13-22-1 through IC 13-22-8; and

(7) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

(1) Hazardous waste regulated under:

(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.

(2) Infectious waste (as defined in IC 16-41-16-4).

(3) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.

(4) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(4), "reprocessing or reuse" does not include either of the following:

(1) Incineration.

(2) Placement in a landfill.

(d) "Municipal waste", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-3.

SECTION 3. IC 13-11-2-158, AS AMENDED BY P.L.114-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;

(2) air pollution control laws;

(3) water pollution control laws; and

(4) environmental management laws, except as provided in subsections (c), (d), and (e);

means an individual, a partnership, a copartnership, a firm, a company,

a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-20-25, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a solid waste management district established under IC 13-21.

~~(d)~~ **(e)** "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

~~(e)~~ **(f)** "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

~~(f)~~ **(g)** "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

~~(g)~~ **(h)** "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

SECTION 4. IC 13-11-2-179.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 179.5. "Recyclable material", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-4.**

SECTION 5. IC 13-11-2-179.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 179.6. "Recyclable materials broker", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-5.**

SECTION 6. IC 13-11-2-179.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 179.7. "Recycle", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-6.**

SECTION 7. IC 13-11-2-179.9, AS ADDED BY P.L.178-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 179.9. (a) "Recycler", for purposes of sections 31.1 and 31.2 of this chapter and IC 13-20.5, means an individual or public or private entity that accepts covered electronic devices from covered entities and collectors for the purpose of recycling. ~~(b)~~ The term does not include a manufacturer that accepts products for refurbishment or repair.

(b) "Recycler", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-7.

SECTION 8. IC 13-11-2-202.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 202.8. "Single stream recyclable materials", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-8.**

SECTION 9. IC 13-20-25 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 25. Resource Conservation and Recycling

Sec. 1. The goal of the state is to recycle at least fifty percent (50%) of its municipal waste.

Sec. 2. As used in this chapter, "fiscal year" means a period:

(1) beginning July 1 in a calendar year; and

(2) ending June 30 of the succeeding calendar year.

Sec. 3. As used in this chapter, "municipal waste" means any:

(1) garbage;

(2) refuse;

(3) industrial lunchroom waste;

(4) office waste; or

(5) other, similar material;

that results from the operation of residential, municipal, commercial, or institutional establishments and community activities.

Sec. 4. As used in this chapter, "recyclable material" means municipal waste that is suitable for recycling.

Sec. 5. As used in this chapter, "recyclable materials broker" means a person that:

(1) engages in the business of arranging for the collection, transportation, delivery, recycling, or reuse of recyclable materials; but

(2) does not take title to, or physical possession of, the recyclable materials.

Sec. 6. As used in this chapter, "recycle" means to take action by which recyclable materials are recovered from the solid waste stream for purposes of:

(1) use or reuse;

(2) conversion into raw materials; or

(3) use in the production of new products.

Sec. 7. (a) As used in this chapter, "recycler" means a person who recycles recyclable materials generated by more than one (1) person.

(b) The term includes the following:

(1) A recyclable materials broker.

(2) The owner or operator of a solid waste disposal facility regulated under IC 13-20-8 at which recycling occurs.

(3) The owner or operator of a material recovery facility.

(4) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

Sec. 8. As used in this chapter, "single stream recyclable materials" means a combination of two (2) or more types of recyclable materials that have been commingled and cannot be separated into individual types without processing.

Sec. 9. (a) A recycler shall report the recycler's recycling

activities under this section. A recycler may elect to report the recycler's recycling activities on an annual basis under subsection (b) or on a quarterly basis under subsection (c).

(b) A recycler that elects to report on an annual basis shall, in 2015 and each succeeding calendar year, before August 1, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the fiscal year that ended on the most recent June 30.

(c) A recycler that elects to report on a quarterly basis shall, for the July through September quarter of 2014 and each succeeding quarter, not more than thirty (30) days after the end of the quarter, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the quarter. A quarterly report submitted under this subsection must concern the recycling activities conducted by the recycler during the period of:

(1) July through September;

(2) October through December;

(3) January through March; or

(4) April through June.

(d) A recycler shall submit a separate recycling activity report under this section for each reporting period, whether annual or quarterly, for each facility:

(1) that was owned or operated by the recycler; and

(2) at which the recycler conducted recycling activities;

during the reporting period.

Sec. 10. (a) A person:

(1) who:

(A) is not required to submit a recycling activity report under section 9 of this chapter; but

(B) recycled recyclable materials during a fiscal year;

(2) who:

(A) meets the definition of "scrap metal processing facility" set forth in IC 8-23-1-36;

(B) meets the definition of "automotive salvage recycler" set forth in IC 9-13-2-10;

(C) meets the definition of "disposal facility" set forth in IC 9-13-2-44;

(D) is engaged in business subject to IC 9-22-3;

(E) meets the definition of "automotive salvage rebuilder" set forth in IC 9-32-2-5;

(F) meets the definition of "scrap metal processor" set forth in IC 13-11-2-196.5;

(G) meets the definition of "core buyer" set forth in IC 25-37.5-1-0.2; or

(H) meets the definition of "valuable metal dealer" set forth in IC 25-37.5-1-1(b); or

(3) who:

(A) is not required to submit a recycling activity report under section 9 of this chapter; but

(B) took action during a fiscal year to recover, from the solid waste stream, for purposes of:

(i) use or reuse;

(ii) conversion into raw materials; or

(iii) use in the production of new products;

materials that were not municipal waste;

may voluntarily submit a recycling activity report to the commissioner concerning the person's recycling activity during the fiscal year.

(b) The commissioner shall include information reported to the commissioner under this section in the annual reports that the commissioner is required to submit under section 14 of this chapter.

Sec. 11. (a) Except as provided in subsection (b), a recycling activity report submitted to the commissioner under this chapter must be submitted on the uniform recycling activity report form posted by the commissioner on the department's Internet web site under section 12 of this chapter.

(b) If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 9(a) of this chapter, the recycler may satisfy the recycler's duties under this chapter by submitting to the commissioner, by a letter postmarked before August 1 of the calendar year, the types of information about the recycler's recycling activities during the fiscal year that are set forth in section 12 of this chapter.

Sec. 12. (a) Not later than July 1, 2015, the commissioner shall

post on the department's Internet web site a uniform recycling activity report form. The form must do the following:

(1) Provide for reporting of the:

(A) name and location of; and

(B) principal business activities conducted at;

the recycler's establishment.

(2) Include:

(A) an appropriate space for; and

(B) instructions requiring the completion of;

an appropriate certification, by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual), of the accuracy and completeness of the recycling activity report.

(3) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was in storage at the reporting recycler's establishment:

(A) at the start of the fiscal year; and

(B) at the close of the fiscal year.

(4) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was transported from the reporting recycler's establishment, or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler, to any of the following:

(A) Other recyclers located in Indiana.

(B) Persons that are located in Indiana but are not recyclers, including persons who may employ the recyclable material as a raw material or a new product without further recycling.

(C) Persons located outside Indiana.

(b) The uniform recycling activity report form posted on the department's Internet web site under subsection (a) must specify that the information to be reported by a recycler under subsection (a)(3) and (a)(4) must be reported separately for each of the following types of recyclable materials:

(1) Glass.

(2) Metal, including white goods (ferrous).

(3) Metal (nonferrous).

(4) Paper and paper products (all grades).

(5) Plastic and plastic products.

(6) Single stream recyclable materials.

(7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6).

Sec. 13. A recycler is not required to measure directly the weight of recyclable materials for purposes of submitting a recycling activities report under this chapter. For the purposes of reporting the quantity, in tons, of a type of recyclable material recycled, a recycler may estimate the weight of the recyclable material by converting the volume of the recyclable material to weight based on the density of the recyclable material.

Sec. 14. Not later than December 31, 2015, and each succeeding calendar year, the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the fiscal year most recently ended. The executive director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling.

Sec. 15. The environmental rules board may adopt rules under IC 4-22-2 and IC 13-14-9 to administer this chapter.

Sec. 16. (a) The general assembly urges the legislative council to assign to the appropriate study committee for the 2014 interim period the tasks set forth in this section.

(b) Not later than November 1, 2014, the appropriate study committee assigned the task under subsection (a) shall produce a written report that includes the following:

(1) An analysis of all policy options that would increase the recycling of municipal solid waste in Indiana, and a good faith estimate of the number of tons of municipal solid waste that would be recovered from the waste stream in Indiana for recycling into new products as the result of the implementation of each policy option.

(2) An analysis of the role of the solid waste management districts established under IC 13-21-3 and how the solid waste

management districts can help to increase the rate of recycling in Indiana.

(3) An analysis of the role of the Indiana recycling market development board created by IC 4-23-5.5-2 and how the recycling market development board can help to increase the rate of recycling in Indiana.

(4) An analysis of the role of the state solid waste management fund established by IC 13-20-22-2 and how the state solid waste management fund can help to increase the rate of recycling in Indiana.

(5) An analysis of alternatives to landfill disposal of municipal waste and the relationship of these alternatives to increasing the rate of recycling in Indiana.

(c) The report produced under subsection (b) must include all written testimony and materials presented to the study committee concerning the subjects set forth in subsection (b)(1) through (b)(5), including citations to all sources referenced or relied upon. However, the report must not:

(1) make recommendations concerning; or

(2) otherwise limit consideration of;

any policy option for increasing the recycling of municipal solid waste for any reason.

(d) This section expires December 31, 2014.

SECTION 10. **An emergency is declared for this act.**

P.L.127-2014
[H.1190. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-161, AS AMENDED BY P.L.42-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 161. (a) "Health care facility" includes:

(1) hospitals licensed under IC 16-21-2, private mental health institutions licensed under IC 12-25, and tuberculosis hospitals established under IC 16-11-1 (before its repeal);

(2) health facilities licensed under IC 16-28; and

(3) rehabilitation facilities and kidney disease treatment centers.

(b) "Health care facility", for purposes of IC 16-21-11, has the meaning set forth in IC 16-21-11-1.

~~(b)~~ **(c)** "Health care facility", for purposes of IC 16-28-13, has the meaning set forth in IC 16-28-13-0.5.

SECTION 2. IC 16-18-2-237.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 237.1. "Miscarried fetus", for purposes of IC 16-21-11, has the meaning set forth in IC 16-21-11-2.**

SECTION 3. IC 16-18-2-277, AS AMENDED BY P.L.61-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 277. **(a) "Person in charge of interment", for purposes of IC 16-21-11, has the meaning set forth in IC 16-21-11-3.**

(b) "Person in charge of interment", for purposes of IC 16-37-1 and IC 16-37-3, has the meaning set forth in IC 16-37-3-2.

SECTION 4. IC 16-21-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2014]:

Chapter 11. Treatment of Miscarried Remains

Sec. 1. As used in this chapter, "health care facility" means any of the following:

(1) A hospital.

(2) A birthing center.

(3) Any other medical facility.

Sec. 2. As used in this chapter, "miscarried fetus" means an unborn child, irrespective of gestational age, who has died from a spontaneous or accidental death before expulsion or extraction from the unborn child's mother, irrespective of the duration of the pregnancy.

Sec. 3. As used in this chapter, "person in charge of interment" means a person who places or causes to be placed the body of a miscarried fetus who has a gestational age of less than twenty (20) weeks of age or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or who otherwise disposes of the body or ashes.

Sec. 4. Subject to sections 5 and 6 of this chapter, the parent or parents of a miscarried fetus may determine the final disposition of the remains of the miscarried fetus.

Sec. 5. (a) Not more than twenty-four (24) hours after a woman has her miscarried fetus expelled or extracted in a health care facility, the health care facility shall:

(1) disclose to the parent or parents of the miscarried fetus, both orally and in writing, the parent's right to determine the final disposition of the remains of the miscarried fetus;

(2) provide the parent or parents of the miscarried fetus with written information concerning the available options for disposition of the miscarried fetus; and

(3) inform the parent or parents of the miscarried fetus of counseling that may be available concerning the death of the miscarried fetus.

(b) The parent or parents of a miscarried fetus shall inform the health care facility of the parent's decision for final disposition of the miscarried fetus after receiving the information required in subsection (a) but before the parent of the miscarried fetus is discharged from the health care facility. The health care facility shall document the parent's decision in the medical record.

Sec. 6. (a) If the parent or parents choose a means of final disposition other than the means of final disposition that is usual

and customary for the health care facility, the parent or parents are responsible for the costs related to the final disposition of the fetus.

(b) If the parent or parents choose a means of final disposition that provides for the interment of a miscarried fetus who has a gestational age of at least twenty (20) weeks of age, the requirements under IC 16-37-3 apply.

(c) Notwithstanding any other law, the parent or parents whose miscarried fetus has a gestational age of less than twenty (20) weeks of age may choose a means of final disposition that provides for the cremation or the interment of the miscarried fetus. If the parent or parents choose the cremation or interment of the miscarried fetus, the local health officer shall provide the person in charge of interment with a permit for the disposition of the body. A certificate of stillbirth is not required to be issued for a final disposition under this subsection.

(d) IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, and IC 29-2-19-17 concerning the authorization of disposition of human remains apply to this section.

P.L.128-2014
[H.1196. Approved March 25, 2014.]

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

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

SECTION 1. IC 5-32 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 32. EMPLOYMENT OF CONSTRUCTION MANAGERS AS CONSTRUCTORS FOR PROJECTS

Chapter 1. General Provisions

Sec. 1. This article applies only to the following:

(1) A public works project of a state educational institution that begins after June 30, 2014.

(2) A public works project of a public agency, other than a state educational institution, that begins after June 30, 2017.

Sec. 2. Except as provided in this article, the applicable public works statute applies to the construction projects of the particular public agency performed under this article.

Sec. 3. This article expires July 1, 2020.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Applicable public works statute" refers to whichever of the following statutes is applicable to public works projects of the public agency:

(1) IC 4-13.6.

(2) IC 5-16.

(3) IC 36-1-12.

(4) Any other statute applicable to the public works projects of the public agency.

Sec. 3. "Applicable contract award standard" refers to the following:

(1) If the applicable public works statute is IC 4-13.6 or IC 36-1-12, the applicable contract award standard is "lowest responsive and responsible".

(2) If the applicable public works statute is IC 5-16, the applicable contract award standard is "lowest and best".

(3) If the applicable public works statute is a statute other than the statutes referred to in subdivision (1) or (2), the applicable contract award standard is the standard prescribed by the other public works statute that is the equivalent to "lowest responsive and responsible" or "lowest and best".

Sec. 4. "Architect" refers to a person registered under IC 25-4-1.

Sec. 5. "CMc" or "construction manager as constructor" means a person that provides CMc services.

Sec. 6. "CMc contract" refers to a contract for CMc services.

Sec. 7. "CMc services" includes the following:

(1) Preconstruction phase services, including advice during the preconstruction phase of the project as described in the RFP.

(2) Consultation, collaboration, project construction management, and other services as described in the RFP, regarding the construction during and after the design and construction phases. However, the CMc may not procure the project professional architectural and engineering design services. The public agency must directly contract for the services of the architect and engineer of record.

(3) Development of a construction schedule, estimated cost of construction, and analysis of qualifications of first tier subcontractors.

(4) Subject to the CMc contract, a guarantee of:

(A) the cost of the project; and

(B) the project schedule.

Sec. 8. "Engineer" refers to a person registered under IC 25-31-1.

Sec. 9. "Evaluation committee" refers to a group of individuals who are responsible for evaluating the responses of offerors to the RFP.

Sec. 10. "First tier subcontractor" refers to a subcontractor who contracts directly with the CMc.

Sec. 11. "GMP" refers to the guaranteed maximum price for the work as may be established in the CMc contract.

Sec. 12. "Offeror" refers to a person who submits a response to an RFP.

Sec. 13. "Person" refers to a natural person, a partnership, a limited liability company, or a corporation.

Sec. 14. (a) "Project" means the construction, remodeling, rehabilitation, or repair of buildings or other facilities owned by a public agency as described in the RFP.

(b) The term does not include the construction, remodeling, rehabilitation, or repair of roads, highways, bridges, or potable water or wastewater infrastructure.

Sec. 15. "Public agency" has the meaning set forth in IC 5-30-1-11.

Sec. 16. "Request for proposals" or "RFP" refers to the process by which a public agency solicits persons to provide CMc services under this article.

Chapter 3. Request for Proposals

Sec. 1. If a public agency chooses to use the procedures set forth in this article when performing a public works project, the public agency shall select a CMc as provided in this chapter.

Sec. 2. (a) The public agency shall issue a request for proposals.

(b) Notice of a request for proposals shall be given as other notices are required to be given under the applicable public works statute.

Sec. 3. (a) A request for proposals must include at least the following:

(1) A statement of the criteria, process, and procedures, which must include consideration of qualifications and fees, by which:

(A) an offeror will be evaluated;

(B) a CMc will be selected; and

(C) a CMc contract will be awarded.

(2) Information about how the GMP may be established as part of the contract.

(3) A description of the insurance requirements for the CMc.

(b) The statement of the criteria for evaluation of offerors under subsection (a) must include a statement that each offeror's:

(1) history of contracting with or hiring minority, women, and veteran business enterprises; and

(2) good faith efforts to fulfill the state's goals for contracting with or hiring minority, women, and veteran business enterprises;

will be considered in the evaluation of the offeror's proposal.

Sec. 4. Each offeror selected to meet with the evaluation committee, based on the evaluation committee's review of the RFP responses, must be given an equal opportunity to meet and communicate with the evaluation committee.

Sec. 5. A summary of the evaluation committee's evaluation of each offeror is subject to disclosure under IC 5-14-3, but only after the CMc contract has been awarded.

Sec. 6. If the public agency determines to proceed with the project, the public agency shall enter into negotiations with the

offeror whose proposal has been selected by the evaluation committee considering:

(1) the responses to the RFP;

(2) any interviews with selected offerors; and

(3) evaluation of fees.

Sec. 7. A CMc may perform a part of the work only if:

(1) the public agency approves of the CMc's performance of the work;

(2) the CMc would be awarded a contract for the work under the applicable contract award standard; and

(3) the CMc performs only such work that equals not more than twenty percent (20%) of the total value of the project.

Chapter 4. CMc Contract

Sec. 1. After the public agency has selected an offeror to be the CMc, the public agency and that offeror may negotiate the final terms and conditions of the contract for CMc services for the project.

Sec. 2. (a) Subject to this article, the CMc contract must require the CMc to provide payment and performance bonds in an amount not less than the estimated construction costs of the project or the GMP, as provided by the RFP.

(b) Construction may not be performed until the CMc has provided the bonds for that construction as required in the RFP and IC 5-32-6.

Sec. 3. A CMc contract must describe the details of any adjustment of compensation or other incentives negotiated between the public agency and the CMc.

Sec. 4. A CMc contract may describe whether the CMc and the public agency agree to any cost overrun or delay damages or early completion incentives.

Sec. 5. Changes in the contract for CMc services may be made as provided in the CMc contract.

Sec. 6. A public agency or CMc may terminate the CMc contract before the GMP has been determined, if the RFP provides for a GMP.

Sec. 7. (a) If any of the following occur, the public agency may proceed as described in subsection (b):

(1) The CMc contract is terminated under section 6 of this chapter.

(2) The public agency and the selected offeror are unable to reach agreement on a CMc contract.

(3) The selected offeror does not provide the required bonds as provided in the RFP or this article.

(b) If any of the events described in subsection (a)(1), (a)(2), or (a)(3) occur, the public agency may do any of the following:

(1) Negotiate a contract with another offeror.

(2) Award contracts and complete the project under any other applicable public works statute.

(3) Terminate the project.

Sec. 8. A CMc contract may describe if and when the GMP will be determined. If a GMP is established, the contract must describe all clarifications and assumptions on which the GMP is based.

Chapter 5. CMc Award of First Tier Subcontracts

Sec. 1. The CMc shall comply with all notice, bidding, construction, and contract administration requirements relating to public works contracts that the public agency must comply with under the applicable public works statutes.

Sec. 2. (a) A first tier subcontract shall be awarded to the bidder for that contract that would be awarded the contract under the applicable contract award standard.

(b) Before award of a first tier subcontract, the CMc may prequalify potential bidders based on written criteria established and published by the public agency. Otherwise, the applicable public works statute applies.

Sec. 3. Each bidder must submit under oath as a part of the bid a statement of the following information:

(1) The bidder's professional experience.

(2) The bidder's proposed plan for performing the work.

(3) The equipment and personnel available for the performance of the work.

(4) The bidder's current financial status.

(5) The bidder's best estimate of the cost of each item of work to be performed, including a breakdown of all labor and materials required to complete the work.

Sec. 4. Once a bidder is selected, the CMc's contract with that bidder must include terms and conditions that are designed to accomplish the work at the lowest possible cost to the public agency.

Sec. 5. (a) Except as provided in subsection (b), a bid is a public record subject to public inspection under IC 5-14-3.

(b) A bid is not subject to inspection and copying under IC 5-14-3 until a contract has been awarded or the solicitation of bids has been canceled.

Chapter 6. Bonds

Sec. 1. The CMc shall execute a payment bond to the public agency, approved by the public agency, in an amount equal to the GMP, if established, or the proposed construction cost. The payment bond must be conditioned for payment by the CMc, the CMc's successors and assigns, and by the first tier subcontractors, their successors and assigns, of all indebtedness that may accrue to any person for any labor or service performed, materials furnished, or service rendered in the project. The bond by its terms must be conditioned to directly inure to the benefit of subcontractors, laborers, suppliers of materials, and those performing service who have furnished or supplied labor, material, or service for the project.

Sec. 2. (a) The CMc shall furnish proof of its ability to obtain a valid performance bond that is acceptable to the public agency in an amount equal to the GMP, if established, or the proposed construction cost.

(b) The CMc shall furnish the bond at the time of an early release construction package or when the GMP is determined and provided to the public agency.

(c) If the bond is acceptable to the public agency, the performance bond may provide for incremental bonding in the form of multiple or chronological bonds that, when taken as a whole, equal the GMP, if established, or the proposed construction cost. The surety on the bond shall not be released for a period of one (1) year after final settlement with the CMc. A change, modification, omission, or addition in and to the terms or conditions of the contract, plans, specifications, drawings, or profile or any irregularity or defect in the contract or in the proceedings preliminary to the letting and awarding of the CMc contract does not in any way affect or operate to release or discharge the surety.

P.L.129-2014
[H.1206. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 6-3-2-2.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013 (RETROACTIVE)]: Sec. 2.8. Notwithstanding any provision of IC 6-3-1 through IC 6-3-7, there shall be no tax on the adjusted gross income of the following:

(1) Any organization described in Section 501(a) of the Internal Revenue Code, except that any income of such organization which is subject to income tax under the Internal Revenue Code shall be subject to the tax under IC 6-3-1 through IC 6-3-7.

(2) Any corporation which is exempt from income tax under Section 1363 of the Internal Revenue Code and which complies with the requirements of IC 6-3-4-13. However, income of a corporation described under this subdivision that is subject to income tax under the Internal Revenue Code is subject to the tax under IC 6-3-1 through IC 6-3-7. A corporation will not lose its exemption under this section because it fails to comply with IC 6-3-4-13 but it will be subject to the penalties provided by IC 6-8.1-10.

(3) Banks and trust companies, national banking associations, savings banks, building and loan associations, and savings and loan associations.

(4) Insurance companies subject to tax under **any of the following:**

(A) IC 27-1-18-2, including a domestic insurance company that elects to be taxed under IC 27-1-18-2.

(B) IC 27-1-2-2.3.

(5) International banking facilities (as defined in Regulation D of the Board of Governors of the Federal Reserve System (12 CFR 204)).

SECTION 2. IC 6-5.5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013 (RETROACTIVE)]: Sec. 7. Notwithstanding any other provision of this article, there is no tax imposed on the adjusted gross income or apportioned income of the following:

(1) Insurance companies subject to the tax under **any of the following:**

(A) IC 27-1-18-2. ~~or~~

(B) IC 27-1-2-2.3.

(C) IC 6-3.

(2) International banking facilities (as defined in Regulation D of the Board of Governors of the Federal Reserve System).

(3) Any corporation that is exempt from income tax under Section 1363 of the Internal Revenue Code.

(4) Any corporation exempt from federal income taxation under the Internal Revenue Code, except for the corporation's unrelated business income. However, this exemption does not apply to a corporation exempt from federal income taxation under Section 501(c)(14) of the Internal Revenue Code.

SECTION 3. IC 27-1-2-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013 (RETROACTIVE)]: **Sec. 2.3. (a) As used in this section, "captive insurer" means a foreign company or an alien company:**

(1) that is supervised in the foreign or alien jurisdiction;

(2) that is owned by a person that conducts business in Indiana;

(3) whose exclusive purpose is to insure property and casualty risks of:

(A) the parent entity described in subdivision (2);

(B) affiliates of the parent entity; or

(C) a controlled unaffiliated business;

which may include reinsuring (through risk-sharing arrangements) property and casualty risks insured by other

foreign companies or alien companies described in subdivision (1); and

(4) that has not more than two million dollars ($2,000,000) of annual direct written premium.

(b) As used in this section, "controlled unaffiliated business" means a business:

(1) that:

(A) is not an affiliate of; and

(B) has a contractual relationship with;

a parent entity described in subsection (a)(2) or an affiliate of the parent entity; and

(2) the risks of which are managed by a captive insurer.

(c) Except as provided in this section, this article does not apply to a captive insurer.

(d) A captive insurer that is doing business in Indiana:

(1) is not required to obtain a certificate of authority in Indiana;

(2) shall register with the commissioner; and

(3) shall, for each calendar year after 2012 in which the captive insurer is doing business in Indiana, pay into the treasury of this state a tax of two thousand five hundred dollars ($2,500).

(e) A captive insurer that is required to pay the tax imposed for a calendar year under subsection (d)(3) shall pay the tax as follows:

(1) For a tax imposed under subsection (d)(3) for calendar year 2013, the captive insurer shall pay the tax before July 1, 2014.

(2) For a tax imposed under subsection (d)(3) for a calendar year after 2013, the captive insurer shall pay the tax before April 15 of the following calendar year.

(f) The state and a political subdivision of the state shall not impose a license fee or privilege or other tax on a captive insurer, except the following:

(1) The tax described in subsection (d)(3).

(2) An applicable tax on real and tangible personal property of the captive insurer.

SECTION 4. IC 27-1-12-11, AS AMENDED BY P.L.276-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) After the department has ascertained the

net reserve value of all policies under IC 27-1-12.8-18 or the reserve liabilities under IC 27-1-12.8 of any life insurance company organized and doing business in this state, the department shall notify said company of the amount or amounts thereof. Within sixty (60) days after the date of such notification, the officers of such company shall deposit with the department, solely for the security and benefit of all its policyholders, assets in an amount, invested in accordance with section 2 of this chapter (except paragraph 20 of section 2(b) of this chapter) which together with the assets already deposited with the department and such additional assets as may be deposited by said company with other states or governments, pursuant to the requirements of the laws of such other states or governments in which said company is doing business, shall be not less than the lesser of the amount of such reserve value or reserve liabilities or the amount provided under subsection (f). No life insurance company organized under this article or any other law of this state shall be required to make such deposit until the amount prescribed by this subsection exceeds the amount deposited by said company under IC 27-1-6-14 or IC 27-1-6-15. Investments in real estate shall be deposited in the form of satisfactory evidences of ownership. The deposit requirement in relation to policy loans and bank deposits shall be considered fulfilled by the inclusion of such item in the company's annual statement, but subject to the right of the company at any time, and the obligation of the company on demand of the department, to file with the department a certificate as to the amount of such item.

(b) If the department in the course of the year ascertains that the net reserve value of a company's policies under IC 27-1-12.8-18 or its reserve liabilities under IC 27-1-12.8 exceeds such company's deposits as required by subsection (a), it may require such company within sixty (60) days to increase its deposit to the required amount.

(c) Nothing in this article shall prevent the deposit of bonds, mortgages, or other securities which meet the investment requirements of a foreign or alien state or country, to an amount not exceeding the amount of the reserves on policies issued to residents of, and to corporations doing business in, such state or country. If, pursuant to the law of a foreign or alien state or country in which an Indiana life insurance company is doing business, securities belonging to such a company are required to be deposited within the boundaries of such

foreign or alien state or country, credit for the amount of such deposit, not exceeding the amount of the reserves on policies issued to residents of, and to corporations doing business in, such foreign or alien state or country, may be taken by the company as an offset against its deposits required under this article.

(d) If, pursuant to the law of a foreign or alien state or country, a life insurance company domiciled therein is not permitted a reserve credit for reserves maintained by a reinsurer foreign to such a state or country, except on the condition that the amount of such reserve be deposited with the insurance supervisory official of such state or country, a deposit credit for the amount of such reserves so deposited shall be allowed a domestic life insurance company accepting reinsurance from companies domiciled in such state or country.

(e) Any deposit of assets with the department pursuant to any law superseded by this chapter shall, prior to the first deposit date contemplated in subsection (a), be continued with the department and otherwise be subject to this section.

(f) The amount of the deposit, except as otherwise provided in subsection (a), shall be one million dollars ($1,000,000) excluding policy loans and bank deposits, or such greater amount as the department deems necessary to protect the interests of the policyholders of a particular company by an order to the company to deposit additional amounts under this section.

~~(g) Except for a company that maintains a deposit in the amount specified in subsection (f), each company:~~

~~(1) must report to the department each new asset acquisition to establish its eligibility for investment under the numbered categories of permissible investments under section 2 of this chapter at such regular intervals, within the time limit following each interval and on the forms as the department may require, without complying with IC 4-22-2; and~~

~~(2) when ordered by the department, shall make any additional report relating to:~~

~~(A) the category of eligibility, the characteristics, or the amount of any investment; or~~

~~(B) the amount of the assets of the company in any category;~~

~~calculated under the rules applied for annual statement purposes.~~

SECTION 5. IC 27-1-13-16, AS AMENDED BY P.L.6-2012, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) This section applies to a policy of insurance that:

(1) covers first party loss to property located in Indiana; and

(2) insures against loss or damage to:

(A) real property consisting of not more than four (4) residential units, one (1) of which is the principal place of residence of the named insured; or

(B) personal property in which the named insured has an insurable interest and that is used within a residential dwelling for personal, family, or household purposes.

(b) An insurer that reduces, restricts, or removes, through a rider or an endorsement, coverage provided by a policy of insurance must provide to the named insured written notice, through the United States mail or by electronic means, of the changes to the policy. The written notice required by this subsection must:

(1) be part of a document that is separate from the rider or endorsement;

(2) be printed in at least 12 point type, 1 point leaded;

(3) consist of text that achieves a minimum score of forty (40) on the Flesch reading ease test or an equivalent score on a comparable test approved by the commissioner as provided by IC 27-1-26-6;

(4) identify the forms, provisions, or endorsements that are changed;

(5) indicate that the named insured may contact the servicing insurance producer for the policy, if any, or the insurer for assistance with any questions concerning the policy changes;

(6) indicate whether a premium adjustment will result from the policy changes; and

(7) set forth any options available to the named insured to repurchase the coverage that has been reduced, restricted, or removed.

~~(c) If the notice required under subsection (b) is sent through the United States mail, the outside of the envelope used to mail the notice must contain the following statement in at least 14 point type: "Coverage has been reduced, restricted, or removed from your policy.".~~

~~(d)~~ **(c)** The insurer bears the burden to prove that notice was sent to the named insured in accordance with this section. If the notice is sent through the United States mail, proof of mailing as described in IC 27-7-6-7 is sufficient proof of the notice.

~~(e)~~ **(d)** The commissioner may adopt rules under IC 4-22-2 to implement this section.

SECTION 6. IC 27-1-17-4, AS AMENDED BY P.L.193-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Whenever a foreign or an alien insurance company desires to be admitted to do an insurance business in this state, it shall execute in the English language and present the following to the department, at its office, accompanied by the fees prescribed by law:

(1) A copy of its articles of incorporation or association, with all amendments thereto, duly authenticated by the proper officer of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States.

(2) An application for admission, executed in the manner provided in this chapter, setting forth:

(A) the name of such company;

(B) the location of its principal office or place of business without this state;

(C) the names of the states in which it has been admitted or qualified to do business;

(D) the character of insurance business under its articles of incorporation or association which it intends to transact in this state, which must conform to the class or classes set forth in the provisions of IC 27-1-5-1;

(E) the total authorized capital stock of the company and the amount thereof issued and outstanding, and the surplus required of such company by the laws of the state, country, province, or government under which it is organized, or the state in which it is domiciled in the United States, if a stock company, which shall equal at least the requirements set forth in section 5(a) of this chapter;

(F) the total amount of assets and the surplus of assets over all its liabilities, if other than a stock company, which shall equal

at least the requirements set forth in section 5(b) of this chapter;

(G) if an alien company, the surplus of assets invested according to the laws of the state in the United States where it has its deposit, which shall equal at least the requirements set forth in section 5(c) of this chapter; and

(H) such further and additional information as the department may from time to time require.

The application shall be signed, ~~in duplicate,~~ in the form prescribed by the department, by the president or a vice president and the secretary or an assistant secretary of the corporation, and verified under oath by the officers signing the same.

(3) A statement of its financial condition and business, in the form prescribed by law for annual statements, signed and sworn to by the president or secretary or other principal officers of the company; provided, however, that an alien company shall also furnish a separate statement comprising only its condition and business in the United States, which shall be signed and sworn to by its United States manager.

(4) A copy of the last report of examination certified to by the insurance commissioner or other proper supervisory official of the state in which such company is domiciled; provided, however, that the commissioner may cause an examination to be made of the condition and affairs of such company before authority to transact business in this state is given.

(5) A certificate from the proper official of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States, that it is duly organized or incorporated under those laws and authorized to make the kind or kinds of insurance which it proposes to make in this state.

(6) A copy of its bylaws or regulations, if any, certified to by the secretary or similar officer of the insurance company.

(7) A duly executed power of attorney in a form prescribed by the department which constitutes and appoints an individual or a corporate resident of Indiana, or an authorized Indiana insurer, as the insurance company's agent, its true and lawful attorney upon whom, except as provided in section 4.2 of this chapter, all lawful

processes in any action in law or in equity against it shall be served. Such power of attorney shall contain an agreement by the insurance company that any lawful process against it which may be served upon the agent as its attorney shall be of the same force and validity as if served upon the insurance company and that such power of attorney shall continue in force and be irrevocable so long as any liability of the insurance company remains outstanding in this state. Such power of attorney shall be executed by the president and secretary of the insurance company or other duly authorized officers under its seal and shall be accompanied by a certified copy of the resolution of the board of directors of the company making said appointment and authorizing the execution of said power of attorney. Service of any lawful process shall be by delivering to and leaving with the agent two (2) copies of such process, with copy of the pertinent complaint attached. The agent shall forthwith transmit to the defendant company at its last known principal place of business by registered or certified mail, return receipt requested, one (1) of the copies of such process, with complaint attached, the other copy to be retained in a record which shall show all process served upon and transmitted by ~~him.~~ **the agent.** Such service shall be sufficient provided the returned receipt or, if the defendant company shall refuse to accept such mailing, the registered mail together with an affidavit of plaintiff or ~~his~~ **the plaintiff's** attorney stating that service was made upon the agent and forwarded as above set forth but that such mail was returned by the post office department is filed with the court. The agent shall make information and receipts available to plaintiff, defendant or their attorneys. No plaintiff or complainant shall be entitled to a judgment by default based on service authorized by this section until the expiration of at least thirty (30) days from the date on which either the post office receipt or the unclaimed mail together with affidavit is filed with the court. Nothing in this section shall limit or abridge the right to serve any process, notice or demand upon any company in any other manner permitted by law.

(8) Proof which satisfies the department that it has complied with the financial requirements imposed in this chapter upon foreign and alien insurance companies which transact business in this

state and that it is entitled to public confidence and that its admission to transact business in this state will not be prejudicial to public interest.

SECTION 7. IC 27-1-23-3, AS AMENDED BY P.L.81-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in:

(1) this section;

(2) section 4(a) and 4(c) of this chapter; and

(3) section 4(b) of this chapter or a provision such as the following:

> Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen (15) days after the end of the month in which it learns of each such change or addition.

Any insurer which is subject to registration under this section shall register within fifteen (15) days after it becomes subject to registration, and annually thereafter by ~~March 15~~ **July 1** of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require any authorized insurer which is a member of an insurance holding company system but not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurer with the insurance regulatory authority of its domiciliary jurisdiction.

(b) Every insurer subject to registration shall file a registration statement on a form prescribed by the commissioner, which shall contain current information about all of the following:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer.

(2) The identity of every member of the insurance holding company system.

(3) The following agreements in force, relationships subsisting, and transactions that are currently outstanding or that have occurred during the last calendar year between such insurer and its affiliates:

~~(i)~~ **(A)** loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

~~(ii)~~ **(B)** purchases, sales, or exchanges of assets;

~~(iii)~~ **(C)** transactions not in the ordinary course of business;

~~(iv)~~ **(D)** guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

~~(v)~~ **(E)** all management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles; ~~and~~

~~(vi)~~ **(F)** reinsurance agreements covering all or substantially all of one **(1)** or more lines of insurance of the ceding insurer;

~~(vii)~~ **(G)** dividends and other distributions to shareholders; and

~~(viii)~~ **(H)** consolidated tax allocation agreements.

(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

(5) If requested by the commissioner, financial statements of the insurance holding company system, the parent corporation of the insurer, or all affiliates, including annual audited financial statements filed with the federal Securities and Exchange Commission under the Securities Act of 1933 or the federal Securities Exchange Act of 1934, both as amended.

(6) Statements reflecting that the insurer's:

(A) board of directors oversees corporate governance and internal controls; and

(B) officers or senior management have approved and implemented and maintain and monitor corporate governance and internal control procedures.

(7) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms prescribed by the commissioner.

(8) Other information that the commissioner requires under rules adopted under IC 4-22-2.

(c) Every registration statement must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(d) No information need be disclosed on the registration statement filed pursuant to subsection (b) if such information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one per cent (1%) or less of an insurer's admitted assets as of the 31st day of December next preceding shall not be deemed material for purposes of this section.

(e) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms prescribed by the commissioner within fifteen (15) days after the end of the month in which it learns of each such change or addition.

(f) A person within an insurance holding company system subject to registration under this chapter shall provide complete and accurate information to an insurer when that information is reasonably necessary to enable the insurer to comply with this chapter.

(g) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is subject to the provisions of this section.

(h) The commissioner may require or allow two (2) or more affiliated insurers subject to registration under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(i) The commissioner may allow an insurer which is authorized to do business in this state and which is a member of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (a) and to file all information and material required to be filed under this section.

(j) The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by rule or order shall exempt the same from the provisions of this section.

(k) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such disclaimer. A disclaimer of affiliation is considered to have been granted unless the commissioner, less than thirty (30) days after receiving a disclaimer, notifies the person filing the disclaimer that the disclaimer is disallowed. The commissioner shall disallow such disclaimer only after furnishing all parties in interest with notice and opportunity to be heard.

(l) The person that ultimately controls an insurer that is subject to registration shall file with the lead state commissioner of the insurance holding company system (as determined by the procedures in the Financial Analysis Handbook adopted by the NAIC) an annual enterprise risk report that identifies, to the best of the person's knowledge, the material risks within the insurance holding company system that could pose enterprise risk to the insurer.

(m) The commissioner may impose on a person a civil penalty of one hundred dollars ($100) per day that the person fails to file, within the period specified, a:

(1) registration statement; or

(2) summary of a registration statement or enterprise risk filing;

required by this section. The commissioner shall deposit a civil penalty collected under this subsection in the department of insurance fund established by IC 27-1-3-28.

SECTION 8. IC 27-1-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 23.5. Risk Management and Own Risk and Solvency Assessment

Sec. 1. This chapter applies beginning January 1, 2015.

Sec. 2. Except as otherwise provided in this chapter, the definitions in IC 27-1-23 apply throughout this chapter.

Sec. 3. As used in this chapter, "insurance group", for purposes of conducting an ORSA, means insurers and affiliates of an insurance holding company system (as defined in IC 27-1-23-1).

Sec. 4. As used in this chapter, "insurer" has the same meaning as set forth in IC 27-1-2-3, except that the term:

(1) refers only to domestic insurers (as defined in IC 27-1-36-8); and

(2) does not include agencies, authorities, or instrumentalities of the United States, possessions and territories of the United States, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

Sec. 5. As used in this chapter, "ORSA" or "own risk and solvency assessment" means a confidential internal assessment:

(1) that is:

(A) appropriate to the nature, scale, and complexity of; and

(B) conducted by;

an insurer or insurance group; and

(2) of the:

(A) material and relevant risks associated with the insurer or insurance group's current business plan; and

(B) sufficiency of capital resources to support the risks described in clause (A).

Sec. 6. (a) As used in this chapter, "ORSA guidance manual" refers to the current version of the Own Risk and Solvency Assessment Guidance Manual of the NAIC.

(b) As used in subsection (a), "current version" means the version containing:

(1) all changes that were made before; and

(2) no changes that were made on or after;

January 1 of the current calendar year.

Sec. 7. As used in this chapter, "ORSA summary report" means a confidential, high level summary of an insurer or insurance group's ORSA.

Sec. 8. (a) An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting concerning the insurer's material and relevant risks.

(b) If an insurance group of which an insurer is a member maintains a risk management framework described in subsection (a) that applies to the operations of the insurer, the insurer is considered to be in compliance with subsection (a).

Sec. 9. Subject to section 11 of this chapter, an:

(1) insurer; or

(2) insurance group of which an insurer is a member;

shall, at any time when significant changes occur to the risk profile of the insurer or insurance group and at least one (1) time per year, conduct an ORSA in a manner consistent with the ORSA guidance manual.

Sec. 10. (a) Upon the request of the commissioner, and not more than one (1) time per year, an insurer shall submit to the commissioner:

(1) an ORSA summary report; or

(2) a combination of reports that together contain the information described in the ORSA guidance manual;

applicable to the insurer or insurance group of which the insurer is a member.

(b) Regardless of a request from the commissioner, if the commissioner is the lead state commissioner of an insurance group of which an insurer is a member (as determined by the procedures in the NAIC Financial Analysis Handbook), the insurer shall submit a report described in subsection (a) at least one (1) time per year.

(c) A report required by this section must include a signature of the insurer's or insurance group's chief risk officer, or another executive who has responsibility for the oversight of the insurer's enterprise risk management process, attesting that:

(1) to the best of the officer's or executive's belief and knowledge the insurer applies the enterprise risk management process described in the ORSA summary report; and

(2) a copy of the report has been provided to the insurer's board of directors or the appropriate committee of the insurer's board of directors.

(d) If an insurer or another member of an insurance group of which the insurer is a member submits to the commissioner the most recent report that:

(1) was provided to the:

(A) commissioner of another state; or

(B) regulatory authority of an alien jurisdiction;

(2) is substantially similar to an ORSA summary report; and

(3) contains information that is comparable to the information described in the ORSA guidance manual;

the insurer is considered to have satisfied the requirements of this section.

(e) If a report described in subsection (d) is completed in a language other than English, a translation of the report into the English language must be submitted with the report.

Sec. 11. (a) Except as otherwise provided in this section, an insurer is exempt from the requirements of this chapter if:

(1) the insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than five hundred million dollars ($500,000,000); and

(2) the insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than one billion dollars ($1,000,000,000).

(b) If:

(1) an insurer qualifies under subsection (a)(1) for exemption from the requirements of this chapter; and

(2) the insurance group of which the insurer is a member does not qualify for exemption under subsection (a)(2);

an ORSA summary report required by section 10 of this chapter must include every insurer that is a member of the insurance group.

(c) If:

(1) an insurance group described in subsection (b) submits more than one (1) ORSA summary report for a combination of insurers; and

(2) the combination of ORSA summary reports submitted as described in subdivision (1) includes every insurer that is a member of the insurance group;

the insurance group is considered to be in compliance with subsection (b).

(d) If:

(1) an insurer does not qualify under subsection (a)(1) for exemption from the requirements of this chapter; and

(2) the insurance group of which the insurer is a member qualifies for exemption under subsection (a)(2);

the only ORSA summary report that is required under section 10 of this chapter is the report that applies to the insurer.

(e) An insurer that does not qualify under subsection (a) for exemption from the requirements of this chapter may apply to the commissioner for a waiver from the requirements of this chapter based on unique circumstances. In deciding whether to grant an insurer's request for a waiver, the commissioner:

(1) may consider the type and volume of business written, ownership and organizational structure, and any other factor the commissioner considers relevant to the insurer or insurance group of which the insurer is a member; and

(2) shall, if the insurer is part of an insurance group with insurers domiciled in more than one (1) state, coordinate with the:

(A) lead state commissioner of the insurance group (as determined by the procedures in the NAIC Financial Analysis Handbook); and

(B) other domiciliary commissioners;

in considering whether to grant the insurer's request for a waiver.

(f) The commissioner may, regardless of an insurer's qualification under this section for exemption from the requirements of this chapter, require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA summary report if one (1) of the following applies:

(1) If unique circumstances exist, as determined by the commissioner, including the following:

(A) The type and volume of business written by the insurer.

(B) The insurer's ownership and organizational structure.

(C) The request of a federal agency.

(D) The request of an international supervisor.

(2) If the insurer:

(A) has authorized control level RBC for a company action level event under IC 27-1-36;

(B) meets at least one (1) of the standards of an insurer considered to be in hazardous financial condition according to rules adopted by the department under IC 27-1-3-7; or

(C) exhibits other qualities of a troubled insurer, as determined by the commissioner.

(g) If an insurer ceases to qualify for an exemption under this section due to changes in premium, as reflected in:

(1) the insurer's most recent annual statement; or

(2) the most recent annual statements of the insurers that are members of the insurance group of which the insurer is a member;

the insurer must meet the requirements of this chapter not later than one (1) year after the date on which the premium change occurs.

Sec. 12. (a) Except as provided in subsection (b), an ORSA summary report must be prepared in a manner consistent with the ORSA guidance manual. Documentation and supporting information must be maintained and made available upon examination or request of the commissioner.

(b) The commissioner's review of an ORSA summary report, and any requests for additional information, must be made in a manner similar to the procedures used by the commissioner in the analysis and examination of multistate or global insurers and insurance groups.

Sec. 13. (a) Documents, materials, and other information related to an ORSA, including an ORSA summary report, in the possession of or control of the department that are obtained by, created by, or

disclosed to the commissioner or another person under this chapter, are:

(1) considered to be proprietary and contain trade secrets;

(2) confidential and privileged;

(3) not subject to subpoena; and

(4) not subject to discovery or admissible in evidence in a private civil action.

(b) The commissioner may:

(1) use the documents, materials, and other information described in subsection (a) in relation to a regulatory or legal action brought as part of the commissioner's duties; and

(2) otherwise make the documents, materials, and other information public only with the prior written consent of the insurer or insurance group.

(c) The commissioner, and any other person:

(1) who receives documents, materials, or other information related to an ORSA while acting under the authority of the commissioner; or

(2) with whom the documents, materials, or other information are shared;

under this chapter is not permitted or required to testify in a private civil action concerning any documents, materials, or other information described in subsection (a).

(d) The commissioner may do the following:

(1) Upon request, share all documents, materials, and other information described in subsection (a) with the following if the recipient agrees in writing, and provides written verification that the recipient has the legal authority, to maintain the confidential and privileged status of the documents, materials, and other information:

(A) Other state, federal, and international financial regulatory agencies.

(B) The NAIC.

(C) Members of a supervisory college.

(D) A third party consultant designated by the commissioner.

(2) Receive documents, materials, and other information described in subsection (a) from:

(A) regulatory officials of domestic or foreign jurisdictions;

(B) members of a supervisory college; and

(C) the NAIC;

if the commissioner maintains the confidential or privileged status of the documents, materials, and other information that are received with notice or the understanding that the documents, materials, and other information are confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, and other information.

(e) The commissioner shall enter into a written agreement with the NAIC or a third party consultant governing sharing and use of information provided under this chapter, including the following:

(1) Procedures and protocols concerning the confidentiality and security of information shared:

(A) with the NAIC or a third party consultant under this chapter; and

(B) by the NAIC with regulators of other states in which insurers that are members of an insurance group are domiciled.

(2) A statement that the recipient agrees in writing, and provides written verification that the recipient has the legal authority, to maintain the confidential and privileged status of the documents, materials, and other information.

(3) A statement that, with respect to information shared with the NAIC or a third party consultant under this chapter:

(A) the commissioner maintains ownership of the information; and

(B) the use of the information is subject to the direction of the commissioner.

(4) A statement that the NAIC or a third party consultant may not store information shared under this chapter in a permanent data base after the underlying analysis is completed.

(5) A requirement that, if confidential information of an insurer that is in the possession of the NAIC or a third party consultant under this chapter is subject to a request or subpoena to the NAIC or third party consultant for

production or disclosure, the NAIC or a third party consultant will provide prompt notice to the insurer.

(6) A requirement that the NAIC or a third party consultant will allow intervention by an insurer in a judicial or administrative action under which the NAIC or third party consultant may be required to disclose confidential information concerning the insurer that has been shared with the NAIC or third party consultant under this chapter.

(7) If the written agreement is with a third party consultant, a statement that the insurer's written consent is required for the sharing of the information with the third party consultant.

(f) The sharing of information by the commissioner under this chapter is not a delegation of regulatory authority. The commissioner is solely responsible for the administration, implementation, and enforcement of this chapter.

(g) Disclosure to or sharing by the commissioner of documents, materials, or other information under this chapter is not a waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information.

(h) Documents, materials, and other information in the possession or control of the NAIC or a third party consultant under this chapter are:

(1) confidential and privileged;

(2) not subject to subpoena; and

(3) not discoverable or admissible in evidence in a private civil action.

Sec. 14. (a) An insurer that fails, without just cause (as determined by the commissioner), to timely file an ORSA summary report as required by this chapter shall, after notice and hearing under IC 4-21.5, pay a civil penalty of one hundred dollars ($100) for each day of noncompliance, not to exceed ten thousand dollars ($10,000).

(b) The commissioner may reduce a penalty imposed under subsection (a) if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

(c) A civil penalty collected under this section shall be deposited in the department of insurance fund established by IC 27-1-3-28.

SECTION 9. IC 27-1-43-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. An insurance producer is not liable for harm or injury that occurs in relation to electronic delivery or nondelivery of a notice or document covered under this chapter.**

SECTION 10. IC 27-1-43.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 43.2. Service Contracts

Sec. 1. (a) As used in this chapter, "ancillary protection product" means a protective chemical, substance, device, or system that is:

(1) installed on or applied to a motor vehicle;

(2) formulated or designed to:

(A) prevent; or

(B) minimize the likelihood of;

a specified loss or damage to a motor vehicle from a specific cause; and

(3) sold with a service contract under which the provider agrees to pay specified incidental costs incurred by the holder as a result of the failure of the chemical, substance, device, or system to prevent or minimize the loss or damage described in subdivision (2).

(b) As used in this chapter, "ancillary protection product" includes the following:

(1) Protective chemicals.

(2) Alarm systems.

(3) Body part marking products.

(4) Steering locks.

(5) Window etching products.

(6) Pedal and ignition locks.

(7) Fuel and ignition kill switches.

(8) Electronic, radio, and satellite tracking devices.

(c) As used in this chapter, "ancillary protection product" does not include the following:

(1) Fuel additives.

(2) Oil additives.

(3) Other chemical products applied to the engine, transmission, or fuel system of a motor vehicle.

Sec. 2. As used in this chapter, "holder" means a person who is entitled to services or indemnification under a service contract.

Sec. 3. (a) As used in this chapter, "incidental cost" means an expense that is:

(1) specified in a service contract that applies to a motor vehicle;

(2) incurred by the holder due to the failure of an ancillary protection product to perform as provided in the service contract sold with the ancillary protection product; and

(3) reimbursed to the holder:

(A) as a fixed amount specified in the service contract; or

(B) by use of a formula that itemizes specific incurred expenses.

(b) "Incidental cost" includes the following:

(1) Insurance policy deductibles.

(2) Rental vehicle charges.

(3) The difference between the actual value of a stolen motor vehicle at the time of theft and the cost of a replacement motor vehicle.

(4) Sales tax.

(5) Registration fees.

(6) Transaction fees.

(7) Mechanical inspection fees.

(8) Expense incurred due to a defective part or mechanical or electrical breakdown.

(9) Expense incurred for labor.

(10) Expense incurred for other remedial measures, including a repair, a replacement, or repetition of a service.

Sec. 4. As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

Sec. 5. As used in this chapter, "provider" means a person who is contractually obligated to a holder under a service contract.

Sec. 6. (a) As used in this chapter, "road hazard" means a hazard encountered by a motor vehicle in normal driving conditions.

(b) "Road hazard" includes the following:

(1) A pothole.

(2) A rock.

(3) Wood debris.

(4) Metal parts.

(5) Glass.

(6) Plastic.

(7) A curb.

(8) A composite scrap.

Sec. 7. (a) As used in this chapter, "service contract" means an agreement:

(1) that is effective for a specified period; and

(2) under which a provider:

(A) receives consideration that is separate from the lease or purchase price of a motor vehicle; and

(B) agrees to provide the performance, or indemnification for the cost of performance, of the repair, replacement, or maintenance of a motor vehicle related to the operational or structural failure of the motor vehicle due to a defect in materials or workmanship, accidental damage, normal wear and tear, or damage resulting from a power surge or interruption.

A service contract may also provide for the incidental payment of indemnity under limited circumstances, including indemnity for towing, temporary replacement motor vehicle rental, and emergency road service.

(b) The repair, replacement, or maintenance described in subsection (a)(2)(B) includes the following:

(1) Repair or replacement of tires or wheels on a motor vehicle damaged as a result of road hazards.

(2) Removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting.

(3) Repair of chips or cracks in, or replacement of, motor vehicle windshields as a result of damage caused by road hazards.

(4) Replacement of an inoperable, lost, or stolen motor vehicle key or keyfob.

(5) Payment of specified incidental costs resulting from failure of an ancillary protection product to perform as specified.

(6) Payment related to other products and services approved by the commissioner and consistent with this chapter.

(c) A service contract may not include coverage:

(1) for the:

(A) repair of damage to;

(B) replacement of; or

(C) repair of damage to and replacement of;

the interior surfaces of a vehicle; or

(2) for the:

(A) repair of damage to;

(B) replacement of; or

(C) repair of damage to and replacement of;

the exterior paint or finish of a vehicle.

However, coverage described in subdivision (1) or (2) may be offered in connection with the sale of an ancillary protection product as defined in section 1 of this chapter.

(d) "Service contract" does not include an insurance policy that:

(1) is issued by an insurer authorized to engage in the insurance business in Indiana; and

(2) provides coverage for repair, replacement, or maintenance described in subsection (a)(2)(B).

Sec. 8. As used in this chapter, "service contract reimbursement policy" means a policy of insurance that provides coverage for one (1) of the following:

(1) All obligations and liabilities incurred by a provider under a service contract issued by the provider in Indiana.

(2) In the event of the provider's nonperformance under a service contract issued by the provider in Indiana, performance of all obligations:

(A) of the provider under the service contract; and

(B) that the provider did not perform.

Sec. 9. As used in this chapter, "warranty" means a guarantee that:

(1) is made:

(A) solely by the manufacturer, importer, or seller of property or services; and

(B) without consideration;

(2) is not negotiated or separated from the sale of the property or services;

(3) is incidental to the sale of the property or services; and

(4) the person making the guarantee will indemnify the warranty holder for:

(A) defective parts;

(B) mechanical or electrical failure;

(C) labor; or

(D) other remedial measures, including repair or replacement of the property or repetition of services.

Sec. 10. (a) A service contract:

(1) is not insurance; and

(2) except as provided in this chapter, is not regulated under IC 27.

(b) The authority of the commissioner under this chapter is in addition to all other authority of the commissioner under this title.

Sec. 11. (a) Except as provided in section 14 of this chapter, a service contract may not be offered, sold, or issued in Indiana unless the provider complies with one (1) of the following subdivisions:

(1) All of the following conditions are met:

(A) The provider is insured under a service contract reimbursement policy issued by an insurer authorized to do business in Indiana.

(B) True and correct copies of the service contract reimbursement policy have been filed with the commissioner.

(C) The service contract conspicuously:

(i) states that the obligations of the provider to the holder are covered under the service contract reimbursement policy; and

(ii) sets forth the name and address of the insurer that issued the service contract reimbursement policy.

(2) The provider maintains a funded reserve account for its obligations under each service contract issued by the provider in Indiana and outstanding, subject to the following:

(A) The reserves are calculated at not less than forty percent (40%) of the gross consideration received, then minus the amount of claims paid under the service contracts.

(B) The service contract conspicuously states that the obligations of the provider under the service contract are backed by the full faith and credit of the provider.

A reserve account maintained under subdivision (2) is subject to examination and review by the commissioner under section 15 of this chapter.

(b) A filing described in subsection (a)(1)(B) is for informational purposes only and is not subject to approval by the commissioner.

Sec. 12. A service contract must meet the following requirements:

(1) Be legibly typed or printed in understandable language.

(2) Include the following disclosures:

(A) The name and address of:

(i) the provider;

(ii) any administrator of the service contract, if different from the provider;

(iii) the person selling the service contract; and

(iv) if the information has been furnished by the holder, the holder.

This information may be added to the service contract at the time of sale and is not required to be preprinted on the service contract.

(B) The total purchase price and the terms under which the service contract is sold. This information may be negotiated with the holder and added to the service contract at the time of sale and is not required to be preprinted on the service contract.

(C) The existence and amount of any applicable deductible.

(D) The products and services to be provided under the service contract, including any conditions, limitations, exceptions, and exclusions.

(E) Whether the use of nonoriginal manufacturer parts is allowed.

(F) Any applicable restrictions governing the transferability of the service contract.

(G) The terms, restrictions, or conditions governing cancellation, by the provider or the holder, of the service contract before the termination or expiration date of the service contract.

(H) All obligations and duties of the holder, including any applicable:

(i) duty to protect the motor vehicle from additional damage; and

(ii) motor vehicle service requirements, as provided in the motor vehicle owner's manual, supplement, or guide.

(I) Whether the service contract provides for or excludes consequential damages or preexisting conditions.

(3) Conspicuously set forth the following statement or a substantially similar statement:

"This service contract is not insurance and is not subject to Indiana insurance law.".

(4) If the service provider is insured under a service contract reimbursement policy under section 11(a)(1)(A) of this chapter, conspicuously state that if the provider fails to perform or make payment due under the service contract within sixty (60) days after the holder requests the performance or payment, the holder may request the performance or payment directly from the insurer that issued the provider's service contract reimbursement policy, including any applicable requirement under the service contract that the provider refund any part of the cost of the service contract upon cancellation of the service contract.

Sec. 13. Except as provided in section 14 of this chapter, a service contract reimbursement policy may not be offered, sold, or issued in Indiana unless the service contract reimbursement policy conspicuously states that the insurer will do either of the following:

(1) Pay all sums that the provider is obligated to pay under service contracts issued by the provider and outstanding in Indiana.

(2) In the event of the provider's nonperformance under a service contract issued by the provider and outstanding in Indiana, perform or pay for the performance of services that the provider:

(A) is obligated to perform under the service contract; and

(B) failed to perform.

Sec. 14. Sections 11, 12(4), and 13 of this chapter do not apply to a warranty, service contract, or other agreement:

(1) that is offered or sold by a motor vehicle dealer in connection with a motor vehicle sold by the motor vehicle dealer; and

(2) under which the motor vehicle dealer, motor vehicle manufacturer, or affiliate of the dealer or manufacturer is obligated to perform.

Sec. 15. The commissioner may do the following:

(1) Conduct an investigation or examination of a provider, an administrator, an insurer, or another person to enforce this chapter.

(2) Take action that is necessary or appropriate to enforce this chapter.

(3) If a provider violates this chapter, issue an order to do the following:

(A) Require a provider to cease and desist.

(B) Prohibit a provider from offering, issuing, or selling a service contract in Indiana.

(C) Impose a civil penalty not to exceed ten thousand dollars ($10,000) per violation.

Sec. 16. (a) If a person is aggrieved by an order issued under section 15(3) of this chapter, the person may, not more than twenty (20) days after the effective date of the order, request a hearing under IC 4-21.5.

(b) If a person requests a hearing under subsection (a) the commissioner shall suspend the effective date of the order pending the outcome of the hearing.

(c) In a hearing requested under subsection (a), the burden is on the commissioner to show cause why the order is justified.

Sec. 17. The commissioner may commence an action in the circuit or superior court of Marion County to do the following:

(1) Enjoin an actual or threatened violation of this chapter.

(2) Seek restitution on behalf of a person aggrieved by a violation of this chapter.

Sec. 18. This chapter does not apply to the following:

(1) A warranty provided under the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 et seq.

(2) A contract that is effective for a specified period and under which a person agrees to:

(A) provide; or

(B) indemnify the contract holder for;

regular maintenance.

(3) A motor club approved under IC 9-30-2-8.

Sec. 19. The commissioner may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 11. IC 34-30-2-106.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 106.7. IC 27-1-43-9 (Concerning an insurance producer in relation to electronic delivery or nondelivery of a notice or document).**

SECTION 12. **An emergency is declared for this act.**

ACTS 2014

Laws enacted by the

118th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2014)

VOLUME III

(P.L.130-2014 through P.L.180-2014)

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

Office of Code Revision
Legislative Services Agency

P.L.130-2014
[H.1216. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-4-1015, AS AMENDED BY P.L.126-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1015. (a) As a condition to the:

(1) adoption of a rezoning proposal;

(2) primary approval of a proposed subdivision plat or development plan;

(3) approval of a vacation of all or part of the plat; or

(4) approval of an application for a:

(A) special exception;

(B) special use;

(C) contingent use;

(D) conditional use; or

(E) variance;

the owner of a parcel of real property may be required or allowed to make a commitment ~~to the plan commission or board of zoning appeals, as applicable,~~ concerning the use or development of that parcel.

(b) Commitments are subject to the following provisions:

(1) A commitment must be in writing.

(2) Unless the written commitment is modified or terminated in accordance with this subsection, a written commitment is binding on the owner of the parcel.

(3) A commitment shall be recorded in the office of the county recorder. After a commitment is recorded, it is binding on a subsequent owner or any other person who acquires an interest in

the parcel. However, a commitment is binding on the owner who makes the commitment even if the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

(4) A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:

(A) if the zoning district or classification applicable to the parcel is changed;

(B) if the land use to which the commitment relates is changed; or

(C) otherwise in accordance with the rules of the plan commission, ~~or~~ board of zoning appeals, **or legislative body** to which the commitment is made.

(5) Except for a commitment that expires or automatically terminates under subdivision (4), **or except as provided in subdivision (10),** a commitment may be modified or terminated:

(A) ~~only~~ by a decision of the plan commission or board of zoning appeals to which the commitment was made; **or**

(B) by the decision of the legislative body, if the commitment is made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter.

~~The~~ **A** decision **by a plan commission or board of zoning appeals** must be made at a public hearing after notice of the hearing has been provided under the rules of the plan commission or board of zoning appeals, as the case may be.

(6) During the time a rezoning proposal is being considered by the legislative body under the 600 or 1500 series of this chapter, the owner may make a new commitment to the ~~plan commission~~ **legislative body** or modify the terms of a commitment that was made when the proposal was being considered by the plan commission. **This subdivision does not apply to a commitment to which subdivision (10) applies.**

(7) **Except as provided in subdivision (8),** no further action of the plan commission is required for ~~a new commitment made~~ **an**

action taken by the legislative body under subdivision (6) to be effective.

(8) If a commitment is modified under subdivision (6)

~~(A) no further action is required by the plan commission for the commitment to be effective if the effect of the modification is to make the commitment more stringent; or~~

~~(B) the modified commitment must be ratified by the plan commission if~~ **and** the effect of the modification is to make the commitment less stringent, **the modified commitment shall be referred to the plan commission for further review. The plan commission shall, not later than forty-five (45) days after referral of the modified commitment:**

(A) ratify the modified commitment; or

(B) certify a recommendation to the legislative body that the commitment be further modified.

After considering the recommendation of the plan commission, the legislative body shall then make the final decision on the terms of the modified commitment.

(9) Requiring or allowing a commitment to be made does not obligate the plan commission, board of zoning appeals, or legislative body, as applicable, to adopt, approve, or favorably recommend the proposal or application to which the commitment relates.

(10) This subdivision applies only to a commitment that is made before the parcel subject to the commitment is annexed by a municipality and after the annexation, the parcel becomes subject to the jurisdiction of a plan commission, board of zoning appeals, or legislative body other than the plan commission, board of zoning appeals, or legislative body to which the commitment was made. A commitment may be modified or terminated only by a decision of the legislative body of the annexing municipality. The decision must be made by the legislative body of the annexing municipality after considering the recommendation of the municipal plan commission certified to the legislative body after a public hearing held by the plan commission in accordance with the commission's rules. The rules of the municipal plan commission must include a provision requiring notice to be

sent by certified mail at least ten (10) days before the date of the hearing to the following:

(A) The plan commission, board of zoning appeals, or legislative body to which the commitment was made.

(B) Each owner of real property, as shown on the county auditor's current tax list, whose real property is located within three hundred (300) feet of the parcel subject to the commitment.

(c) The plan commission or board of zoning appeals may adopt rules:

(1) governing the creation, form, recording, effectiveness, modification, and termination of commitments **that are made before the plan commission or board of zoning appeals;** and

(2) designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

(d) An action to enforce a commitment may be brought in the circuit or superior court of the county by:

(1) the plan commission, ~~or~~ **the** board of zoning appeals, ~~to~~ **or the legislative body before** which the commitment was made;

(2) in the case of a commitment:

(A) modified under subsection (b)(10); or

(B) continued in effect upon annexation;

the legislative body of the municipality that annexed the real property subject to the commitment, if the annexation is effective after the date the commitment was made;

~~(2)~~ **(3)** any person who was entitled to enforce a commitment under the rules of the plan commission or board of zoning appeals in force at the time the commitment was made; or

~~(3)~~ **(4)** any other specially affected person who was designated in the commitment.

(e) A person bringing an action to enforce a commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction. If an action to enforce a commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action.

(f) In an action to enforce a commitment, it is not a defense that:

(1) no consideration was given for the commitment;

(2) the commitment does not benefit any designated parcel of property;

(3) the document setting forth the commitment lacks a seal;

(4) there is no privity of estate;

(5) there is not privity of contract; or

(6) there is no proof of damages.

(g) The following types of conditions, as authorized by this chapter, are not considered commitments and are not subject to subsection (b):

(1) A condition imposed upon primary approval of a plat that must be met before secondary approval of the plat may be granted under the 700 series of this chapter.

(2) A condition imposed upon the approval of an exception, a use, a variance, or a development plan that must be met before an improvement location permit may be issued under the 800 series of this chapter.

(3) A condition imposed upon an approval relative to any other development requirement that must be met before any other secondary approval may be granted or building permit may be issued under this chapter.

(4) A condition that was imposed before July 1, 2011, on an approval relative to any development requirement. However, this subdivision applies only if a copy of the condition has been filed and permanently maintained as a public record in the office of the plan commission or board of zoning appeals that imposed the condition.

(h) Covenants, easements, equitable servitudes, and other land use restrictions created in accordance with law are not considered commitments and are not subject to subsection (b).

(i) This subsection applies only to a commitment made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter. A written commitment may not abrogate the authority of a legislative body to modify or terminate a commitment under this section.

SECTION 2. IC 36-7-4-1016, AS AMENDED BY P.L.126-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1016. (a) Final decisions of the board of zoning appeals under:

(1) the 900 series of this chapter (administrative appeals,

exceptions, uses, and variances); or

(2) section 1015 of this chapter (appeals of commitment modifications or terminations);

are considered zoning decisions for purposes of this chapter and are subject to judicial review in accordance with the 1600 series of this chapter.

(b) The following decisions of the plan commission are considered zoning decisions for purposes of this chapter and are subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under subsection (a):

(1) A final decision under the 700 series of this chapter (subdivision control).

(2) A final decision under section 1015 of this chapter (appeal of a commitment modification or termination).

(3) A final decision under the 1400 series of this chapter (development plans).

(4) A final decision under the 1500 series of this chapter (planned unit development), when authority to make a final decision is delegated to the plan commission by the legislative body under section 1511 of this chapter.

(c) Notwithstanding subsection (b)(2), decisions of a legislative body under section 1015(b)(6) or 1015(b)(10) of this chapter are not considered zoning decisions for purposes of this chapter and are not subject to judicial review in accordance with the 1600 series of this chapter.

~~(c)~~ **(d)** Final decisions of preservation commissions under IC 36-7-11, IC 36-7-11.1, IC 36-7-11.2, or IC 36-7-11.3 (certificates of appropriateness) are considered zoning decisions for purposes of this chapter and are subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under subsection (a).

~~(d)~~ **(e)** Final decisions of zoning administrators under IC 14-28-4-18 (improvement location permits within flood plain areas) are considered zoning decisions for purposes of this chapter and are subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under subsection (a).

~~(e)~~ **(f)** The following actions are legislative acts and are not considered zoning decisions for purposes of this chapter:

(1) Adopting or approving a comprehensive plan under the 500 series of this chapter.
(2) Certifying with or without a recommendation a proposal under the 600 series of this chapter.
(3) Adopting, rejecting, or amending a zoning ordinance under the 600 series of this chapter.
(4) Adopting, rejecting, or amending an impact fee ordinance under the 1300 series of this chapter.
(5) Designating a zoning district where a development plan is required under the 1400 series of this chapter.
(6) Adopting, rejecting, or amending a PUD district ordinance under the 1500 series of this chapter.
(7) Adopting, rejecting, or amending a flood plain zoning ordinance under IC 14-28-4.
(8) Certifying a recommendation, or modifying or terminating a commitment, under section 1015(b)(6) or 1015(b)(10) of this chapter.

P.L.131-2014
[H.1218. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-67.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 67.5. "Dispense", for purposes of IC 12-23-18-8, has the meaning set forth in IC 12-23-18-8(a).**

SECTION 2. IC 12-23-18-2.5, AS ADDED BY P.L.116-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) An opioid treatment program must periodically and randomly test, including before receiving treatment,

a patient for the following during the patient's treatment by the program:

(1) Methadone.

(2) Cocaine.

(3) Opiates.

(4) Amphetamines.

(5) Barbiturates.

(6) Tetrahydrocannabinol.

(7) Benzodiazepines.

(8) Any other suspected or known drug that may have been abused by the patient.

(b) If a patient tests positive under a test described in subsection (a) for:

(1) a controlled substance other than a drug for which the patient has a prescription or that is part of the patient's treatment plan at the opioid treatment program; or

(2) an illegal drug other than the drug that is part of the patient's treatment plan at the opioid treatment program;

the opioid treatment program and the patient must comply with the requirements under subsection (c).

(c) If a patient tests positive under a test for a controlled substance or illegal drug that is not allowed under subsection ~~(b),~~ **(a),** the following conditions must be met:

(1) The opioid treatment program must refer the patient to the onsite physician for a clinical evaluation that must be conducted not more than ten (10) days after the date of the patient's positive test. The physician shall consult with medical and behavioral staff to conduct the evaluation. The clinical evaluation must recommend a remedial action for the patient that may include discharge from the opioid treatment program or amending the treatment plan to require a higher level of supervision.

(2) The opioid treatment program may not allow the patient to take any opioid treatment medications from the treatment facility until the patient has completed a clinical assessment under subdivision (1) and has passed a random test. The patient must report to the treatment facility daily, except when the facility is closed, until the onsite physician, after consultation with the medical and behavioral staff, determines that daily treatment is no

longer necessary.

(3) The patient must take a weekly random test until the patient passes a test under subsection ~~(b).~~ **(a).**

(d) An opioid treatment program must conduct all tests required under this section in an observed manner to assure that a false sample is not provided by the patient.

SECTION 3. IC 12-23-18-5, AS AMENDED BY P.L.116-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The division shall adopt rules under IC 4-22-2 to establish the following:

(1) Standards for operation of an opioid treatment program in Indiana, including the following requirements:

(A) An opioid treatment program shall obtain prior authorization from the division for any patient receiving more than ~~fourteen (14)~~ **seven (7)** days of opioid treatment medications at one (1) time **and the division may approve the authorization only under the following circumstances:**

(i) A physician licensed under IC 25-22.5 has issued an order for the opioid treatment medication.

(ii) The patient has not tested positive under a drug test for a drug for which the patient does not have a prescription for a period of time set forth by the division.

(iii) The opioid treatment program has determined that the benefit to the patient in receiving the take home opioid treatment medication outweighs the potential risk of diversion of the take home opioid treatment medication.

(B) Minimum requirements for a licensed physician's regular:

(i) physical presence in the opioid treatment facility; and

(ii) physical evaluation and progress evaluation of each opioid treatment program patient.

(C) Minimum staffing requirements by licensed and unlicensed personnel.

(D) Clinical standards for the appropriate tapering of a patient on and off of an opioid treatment medication.

(2) A requirement that, not later than February 28 of each year, a current diversion control plan that meets the requirements of 21 CFR Part 291 and 42 CFR Part 8 be submitted for each opioid

treatment facility.

(3) Fees to be paid by an opioid treatment program for deposit in the fund for annual certification under this chapter as described in section 3 of this chapter.

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

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

(c) Not later than April 1 of each year, the division shall report to the general assembly in electronic format under IC 5-14-3 the number of prior authorizations that were approved under subsection (a)(1)(A) in the previous year and the time frame for each approval.

SECTION 4. IC 12-23-18-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) The division shall adopt rules under IC 4-22-2 to establish standards and protocols for opioid treatment programs to do the following:**

(1) Assess new opioid treatment program patients to determine the most effective opioid treatment medications to start the patient's opioid treatment.

(2) Ensure that each patient voluntarily chooses maintenance treatment and that relevant facts concerning the use of opioid treatment medications are clearly and adequately explained to the patient.

(3) Have appropriate opioid treatment program patients who are receiving methadone for opioid treatment move to receiving other approved opioid treatment medications.

(b) An opioid treatment program shall follow the standards and protocols adopted under subsection (a) for each opioid treatment program patient.

(c) Subject to subsection (a), an opioid treatment program may use any of the following medications as an alternative for methadone for opioid treatment:

(1) Buprenorphine.

(2) Buprenorphine combination products containing naloxone.

(3) Any other medication that has been approved by:

(A) the federal Food and Drug Administration for use in the treatment of opioid addiction; and

(B) the division under subsection (e).

(d) Before starting a patient on a new opioid treatment medication, the opioid treatment program shall explain to the patient the potential side effects of the new medication.

(e) The division may adopt rules under IC 4-22-2 to provide for other medications as alternatives to methadone that may be used under subsection (a).

SECTION 5. IC 12-23-18-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) As used in this section, "dispense" means to deliver a controlled substance to an ultimate user.**

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

(1) The medications dispensed by the program.

(2) The medication delivery process, which includes whether the medication was in liquid, film, or another form.

(3) The number of doses dispensed of each medication.

(4) The dosage quantities for each medication.

(5) The number of patients receiving take home medications.

(6) The number of days of supply dispensed.

(7) Patient demographic information for each medication, including gender, age, and time in treatment.

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

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

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

SECTION 6. IC 16-18-2-199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 199. "Legend drug", for purposes of IC 16-42, means a drug that is:

(1) subject to 21 U.S.C. 353(b)(1); ~~or~~

(2) listed in the Prescription Drug Product List as:

(A) published in United States Department of Health and Human Services Approved Drug Products with Therapeutic Equivalence Evaluations, Tenth Edition, (1990); and

(B) revised in United State Department of Health and Human Services, Approved Drug Products with Therapeutic Equivalence Evaluations, Cumulative Supplement to the Tenth Edition, Number 10 (1990); **or**

(3) insulin.

SECTION 7. IC 16-39-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a)** The court may order the release of the patient's mental health record without the patient's consent upon the showing of good cause following a hearing under IC 16-39-3 or in a proceeding under IC 31-30 through IC 31-40 following a hearing held under the Indiana Rules of Trial Procedure.

(b) A provider shall, upon the request of a court that has committed a patient under IC 12-26-7, IC 12-26-8, IC 35-36-2-4, or IC 35-36-3, release to the court any information from the patient's mental health record that is required by the Federal Bureau of Investigation for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 8. IC 16-42-19-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 29. A legend drug that is composed wholly or partly of insulin may be sold for retail sale by a pharmacy only to an individual who possesses a prescription from one (1) of the following:**

(1) A physician licensed under IC 25-22.5.

(2) A veterinarian licensed to practice veterinary medicine in Indiana.

(3) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

(4) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.

SECTION 9. IC 35-48-7-8.1, AS AMENDED BY P.L.152-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) The board shall provide for a

controlled substance prescription monitoring program that includes the following components:

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

(A) The controlled substance recipient's name.

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

(C) The controlled substance recipient's date of birth.

(D) The national drug code number of the controlled substance dispensed.

(E) The date the controlled substance is dispensed.

(F) The quantity of the controlled substance dispensed.

(G) The number of days of supply dispensed.

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

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

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

(K) Other data required by the board.

(2) The information required to be transmitted under this section must be transmitted **as follows:**

(A) Before July 1, 2015, not more than seven (7) days after the date on which a controlled substance is dispensed.

(B) Beginning July 1, 2015, and until December 31, 2015, not more than three (3) days after the date on which a controlled substance is dispensed.

(C) Beginning January 1, 2016, and thereafter, not more than twenty-four (24) hours after the date on which a controlled substance is dispensed.

(3) A dispenser shall transmit the information required under this section by:

(A) uploading to the INSPECT web site;

(B) a computer diskette; or

(C) a CD-ROM disk;

that meets specifications prescribed by the board.

(4) The board may require that prescriptions for controlled substances be written on a one (1) part form that cannot be duplicated. However, the board may not apply such a requirement to prescriptions filled at a pharmacy with a Category II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The board may not require multiple copy prescription forms for any prescriptions written. The board may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be approved by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

(b) This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance.

SECTION 10. IC 35-48-7-11.1, AS AMENDED BY P.L.84-2010, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

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

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

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

(1) A member of the board or another governing body that

licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves a controlled substance.

(2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:

(A) an investigation;

(B) an adjudication; or

(C) a prosecution;

of a violation under any state or federal law that involves a controlled substance.

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

(A) a local, state, or federal law enforcement agency; or

(B) an entity that regulates controlled substances or enforces controlled substances rules or laws in another state;

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

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

(5) A controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.

(6) The state toxicologist.

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

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

(A) has prescriptive authority under IC 25; and

(B) is participating in the assistance program.

(e) Information provided to an individual under:

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

(A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and

(B) that will assist in an investigation or proceeding; and

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

(A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or

pharmaceutical treatment to a patient.

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

(g) The board may release to:

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

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

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive ~~the type of~~ **controlled substance prescription drug** information; ~~released;~~ and

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

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

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

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

(2) the board's designee;

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

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

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

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

(3) A criminal proceeding or a proceeding in juvenile court that

involves a controlled substance.

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

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

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

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

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

SECTION 11. IC 35-48-7-12.1, AS AMENDED BY P.L.42-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.1. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

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

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

(3) Requirements for the development and installation of online

electronic access by the board to information collected by the INSPECT program.

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

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

(A) before initially prescribing a controlled substance to a patient; and

(B) periodically during the course of treatment that uses a controlled substance.

(b) The board may:

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

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

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

SECTION 12. IC 35-48-7-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) Before October 1, 2014, the Indiana professional licensing agency shall:**

(1) study the impact of including all prescription drugs in the INSPECT program; and

(2) report the findings to the legislative council in an electronic format under IC 5-14-6.

(b) The study under subsection (a) must include the following:

(1) The efficacy of including drugs other than controlled substances in the INSPECT program.

(2) Recommended parameters for the inclusion of drugs other than controlled substances.

(3) Analysis of any security concerns related to patient and provider privacy.

(4) Technology requirements.

(5) Regulatory impact analysis.

(6) Fiscal impact analysis.

(c) The:

(1) state department of health;

(2) office of the secretary of family and social services;

(3) department of homeland security; and

(4) Indiana office of technology (IC 4-13.1-2);

shall assist the Indiana professional licensing agency with the study required by this section.

SECTION 13. [EFFECTIVE JULY 1, 2014] **(a) During the 2014 interim of the general assembly, the legislative council shall assign to an appropriate interim committee the study of the integrity and security of the INSPECT program (IC 35-48-7). The interim committee shall make findings and recommendations, including recommendations to the Indiana professional licensing agency established by IC 25-1-5-3 to ensure that data collected by the INSPECT program may be used only for lawful purposes.**

(b) This SECTION expires January 1, 2015.

SECTION 14. [EFFECTIVE UPON PASSAGE] **(a) During the 2014 interim of the general assembly, the legislative council shall assign to an appropriate interim committee the study of whether opioid treatment programs should be prohibited from allowing patients to take home a multiple day supply of opioid treatment medication.**

(b) This SECTION expires December 31, 2014.

SECTION 15. **An emergency is declared for this act.**

P.L.132-2014
[H.1222. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-3-3-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13. (a) This section applies only to taxable years beginning after December 31, 2014.**

(b) Each taxable year, an individual who is eligible to claim the credit provided by Section 23 of the Internal Revenue Code on the individual's federal return for the taxable year is entitled to a credit against the individual's adjusted gross income tax liability for the taxable year equal to the lesser of:

(1) the amount of the credit allowable under Section 23 of the Internal Revenue Code for each eligible child on the individual's federal return for the taxable year multiplied by ten percent (10%); or

(2) one thousand dollars ($1,000) for each eligible child.

(c) The credit provided by this section may not exceed the amount of the taxpayer's adjusted gross income tax liability for the taxable year, reduced by the sum of all credits for the taxable year that are applied before the application of the credit provided by this section. The amount of any unused credit under this section for a taxable year may not be carried forward to a succeeding taxable year, carried back to a preceding taxable year, or refunded.

(d) If all or part of the credit allowed under Section 23 of the Internal Revenue Code for a taxable year beginning after December 31, 2014, is required to be claimed in, or carried forward to, a taxable year after the taxable year in which the credit is first allowed, the part carried forward and allowed to be claimed as a credit shall be treated as allowable under subsection (b). A

credit first allowed under Section 23 of the Internal Revenue Code for a taxable year beginning before January 1, 2015, and required to be claimed in, or carried forward to, a taxable year after the taxable year in which the credit is first allowed shall not be treated as allowable under subsection (b).

SECTION 2. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "committee" refers to the committee on adoption established by subsection (b).**

(b) The committee on adoption is established.

(c) The committee consists of nine (9) members appointed by the governor as follows:

(1) One (1) representative from a licensed child placing agency that provides adoption services.

(2) One (1) parent who adopted a child who was a ward of the department of child services.

(3) One (1) parent who adopted a child through a private adoption.

(4) One (1) court appointed special advocate.

(5) Two (2) representatives from the department of child services, one (1) of whom must be an attorney.

(6) Two (2) judges who have experience with adoption cases.

(7) One (1) person chosen at the governor's discretion.

(d) The governor shall appoint one (1) of the representatives from the department of child services to serve as the chairperson of the committee.

(e) An individual from the governor's office shall provide staff support for the committee.

(f) A member of the committee is not entitled to compensation, per diem, or reimbursement for expenses.

(g) The committee shall do all the following:

(1) Study:

(A) how other states have partnered with private, faith based, and community entities to provide services under the public adoption programs of those states, including:

(i) public and private services offered under adoption programs; and

(ii) new services that entities have provided under the public adoption programs; and

(B) the legal and regulatory costs associated with foster

care and private adoption in Indiana.

(2) Make recommendations concerning improving adoption programs in Indiana.

(3) Before November 1, 2014, report the committee's findings and recommendations to the:

(A) governor;

(B) department of child services; and

(C) legislative council in an electronic format under IC 5-14-6.

(h) This SECTION expires July 1, 2015.

P.L.133-2014

[H.1224. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning insurance.

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

SECTION 1. IC 27-1-22-28, AS ADDED BY P.L.80-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) This section applies to a title policy issued after June 30, 2014. To the extent ~~that this section~~ **of any** conflicts with any other provision of this chapter, this section is controlling.

(b) The definitions in IC 27-7-3 apply throughout this section.

(c) For purposes of this section, "form", when used in reference to a title policy:

(1) includes:

(A) a commitment for title insurance and a title policy or guaranty; and

(B) the terms and conditions of the title insurance or title policy or guaranty; and

(2) excludes:

(A) a reinsurance contract or agreement;

(B) an exception:

(i) that is included in a commitment or title policy; and

(ii) for specific defects in a title that may be ascertained from an examination of a specific risk;

(C) an affirmative assurance of a company, through endorsement or otherwise, with respect to a defect described in clause (B); and

(D) any other exception from coverage due to:

(i) a limitation on the examination of the risk imposed by a particular applicant for title insurance; or

(ii) failure of a particular applicant for title insurance to provide the data necessary for determination of insurability.

(d) A company doing business in Indiana shall, at least thirty (30) days before the proposed effective date of the filing, file with the commissioner all of the following that the company proposes to use, including the proposed effective date and an indication of the character and extent of the coverage contemplated:

(1) The form of a title policy, endorsement, manual, rating schedule or rating plan, and other rating rule.

(2) A modification of any filing described in subdivision (1).

If the commissioner does not, within a thirty (30) day waiting period beginning on the date of filing, disapprove a filing made under this subsection, the filing is considered approved.

(e) If a company is a member of or a subscriber to a rating organization that is licensed under section 8 of this chapter, the filing requirement of subsection (d) may be satisfied by a filing made:

(1) by the rating organization; and

(2) on behalf of all of the rating organization's members and subscribers;

in accordance with subsection (f).

(f) A rating organization that makes a filing described in subsection (e) shall, at least thirty (30) days before the proposed effective date of the filing, file with the commissioner for review and approval or disapproval all of the following that the company proposes to use, including the proposed effective date and an indication of the character and extent of the coverage contemplated:

(1) The form of a title policy, endorsement, manual, rating schedule or rating plan, and other rating rule.

(2) A modification of any filing described in subdivision (1).

(g) The commissioner shall, within a thirty (30) day waiting period beginning on the date of filing, approve or disapprove a filing made under subsection (f). However, the commissioner may do the following:

(1) Upon written notice to the rating organization making the filing within the initial thirty (30) day period, extend the waiting period for not more than an additional thirty (30) days to enable the commissioner to complete the review of the filing.

(2) With the consent of the rating organization making the filing, extend the waiting period for additional thirty (30) day periods.

(3) Upon receiving a written request by the rating organization making the filing, approve the filing or a part of the filing that the commissioner has reviewed to become effective before the expiration of a waiting period described in subdivision (1) or (2).

(h) If the commissioner, during a waiting period described in subsection (g), determines that a filing made by a rating organization under this section:

(1) meets the requirements of this chapter, the commissioner shall approve the filing and send to the rating organization written notice of the approval; or

(2) does not meet the requirements of this chapter, the commissioner shall disapprove the filing and send to the rating organization written notice of the disapproval, including the following:

(A) The notice must specify the manner in which the filing does not meet the requirements of this chapter.

(B) The notice must specify that the filing will not become effective.

(i) If the commissioner, at any time after approval under subsection (d), (g), or (h), determines that the filing does not comply with this chapter, the commissioner shall, after a hearing held on ten (10) days written notice:

(1) sent to the person making the filing; and

(2) specifying the matters to be considered at the hearing;

issue an order specifying the manner in which the filing does not comply with this chapter and the date on which the filing will no longer be effective.

(j) The commissioner shall send a copy of an order issued under subsection (i) to the person making the filing. The order does not affect a title policy made or issued before the date specified in the order on which the filing is no longer effective.

(k) The commissioner may not disapprove a filing described in subsection (d) or (f) if the rates produced by the filing comply with this chapter.

(l) A rating organization that receives notice of a hearing or a copy of an order under subsection (i) shall promptly notify all of the rating organization's members or subscribers that would be affected by the hearing or order. For purposes of subsection (i), notice to a rating organization is considered to be notice to the rating organization's members or subscribers.

(m) If:

(1) a filing is not accompanied by the information on which the filing is based; and

(2) the commissioner does not have sufficient information to determine whether the filing complies with this chapter;

the commissioner shall require the person making the filing to furnish to the commissioner the information on which the filing is based, and the waiting period described in subsection (d) or (g) begins on the date on which all required information is received by the commissioner.

(n) Information furnished under subsection (m) may include the following:

(1) The experience or judgment of the company or the rating organization making the filing.

(2) The company's or rating organization's interpretation of any statistical data relied on by the company or rating organization.

(3) The experience of other title insurance companies or rating organizations.

(4) Any other factor that the commissioner considers relevant.

~~(o) After approval of a filing under subsection (d), (g), or (h), the filing and information furnished in support of the filing is a public record for purposes of IC 5-14-3.~~

(o) The department shall create a title insurance consumer comparison tool, subject to the following:

(1) The filed rates of every insurer that issues title insurance policies in Indiana will be included on the consumer

comparison tool.

(2) The information on the consumer comparison tool shall be designed to allow an average consumer of ordinary intelligence to compare and differentiate between all substantially similar title insurance rates offered by all title insurers approved in Indiana. At a minimum, the consumer comparison tool must include the following:

(A) Organizational data, including the company name, address, and telephone number, and the name of the head of local operations.

(B) Whether the applicant, or a related entity, has previously offered title insurance in Indiana and, if so, the year or years in which the title insurance was offered, along with the rate or rates charged by the applicant prior to the most recent filing.

(C) A listing of the rates the title insurer will charge for:

(i) a commitment; and

(ii) a closing protection letter;

and a sample of rates the title insurer will charge for title insurance policies of varying amounts of insured value.

(D) Any other substantive information that the commissioner considers relevant and appropriate.

(3) The consumer comparison tool must be made available to the public free of charge on the department's Internet web site not later than September 1, 2014. After September 1, 2014, the department shall make any:

(A) new approved filings; or

(B) changes to existing filings;

available on the consumer comparison tool not later than ten (10) business days after the application is stamped "filed" by the department.

P.L.134-2014
[H.1234. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-22-8.1, AS AMENDED BY P.L.120-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.1. (a) The county treasurer shall:

(1) except as provided in subsection (h), mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (b). However, for property taxes first due and payable in 2008, the county treasurer may choose to use a tax statement that is different from the tax statement prescribed by the department under subsection (b). If a county chooses to use a different tax statement, the county must still transmit (with the tax bill) the statement in either color type or black-and-white type.

(b) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (a) that includes at least the following:

(1) A statement of the taxpayer's current and delinquent taxes and special assessments.

(2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(3) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;
(B) the entity levying the tax owed; and
(C) the dollar amount of the tax owed.

(4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.

(5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(6) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(7) An explanation of the following:

(A) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law that are available in the taxing district where the property is located.

(B) All property tax deductions that are available in the taxing district where the property is located.

(C) The procedure and deadline for filing for any available homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law and each deduction.

(D) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(E) The forms that must be filed for an appeal or a petition described in clause (D).

(F) The procedure and deadline that a taxpayer must follow and the forms that must be used if a credit or deduction has been granted for the property and the taxpayer is no longer eligible for the credit or deduction.

(G) Notice that an appeal described in clause (D) requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date that is the basis for the taxes payable on that property.

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

(A) homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law and all property tax deductions; and

(B) whether each homestead credit and property tax deduction applies in the current statement for the property transmitted under subsection (a).

(9) This subdivision applies to any property for which a deduction or credit is listed under subdivision (8) if the notice required under this subdivision was not provided to a taxpayer on a reconciling statement under IC 6-1.1-22.5-12. The statement must include in 2010, 2011, and 2012 a notice that must be returned by the taxpayer to the county auditor with the taxpayer's verification of the items required by this subdivision. The notice must explain the tax consequences and applicable penalties if a taxpayer unlawfully claims a standard deduction under IC 6-1.1-12-37 on:

(A) more than one (1) parcel of property; or

(B) property that is not the taxpayer's principal place of residence or is otherwise not eligible for the standard deduction.

The notice must include a place for the taxpayer to indicate, under penalties of perjury, for each deduction and credit listed under subdivision (8), whether the property is eligible for the deduction or credit listed under subdivision (8). The notice must also include a place for each individual who qualifies the property for a deduction or credit listed in subdivision (8) to indicate the name of the individual and the name of the individual's spouse (if any), as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number (or that they use as their legal names when they sign their names on legal documents), and either the last five (5) digits of each individual's Social Security number or, if an individual does not have a Social

Security number, the numbers required from the individual under IC 6-1.1-12-37(e)(4)(B). The notice must explain that the taxpayer must complete and return the notice with the required information and that failure to complete and return the notice may result in disqualification of property for deductions and credits listed in subdivision (8), must explain how to return the notice, and must be on a separate form printed on paper that is a different color than the tax statement. The notice must be prepared in the form prescribed by the department of local government finance and include any additional information required by the department of local government finance. This subdivision expires January 1, 2015.

(c) The county treasurer may mail or transmit the statement one (1) time each year at least fifteen (15) **business** days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment. If a statement is returned to the county treasurer as undeliverable and the forwarding order is expired, the county treasurer shall notify the county auditor of this fact. Upon receipt of the county treasurer's notice, the county auditor may, at the county auditor's discretion, treat the property as not being eligible for any deductions under IC 6-1.1-12 or any homestead credits under IC 6-1.1-20.4 and IC 6-3.5-6-13.

(d) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(e) The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included in the statement under subsection (b).

(f) The information to be included in the statement under subsection (b) must be simply and clearly presented and understandable to the average individual.

(g) After December 31, 2007, a reference in a law or rule to IC 6-1.1-22-8 (expired January 1, 2008, and repealed) shall be treated as a reference to this section.

(h) Transmission of statements and other information under this subsection applies in a county only if the county legislative body adopts an authorizing ordinance. Subject to subsection (i), in a county in which an ordinance is adopted under this subsection for property taxes and special assessments first due and payable after 2009, a person may, in any manner permitted by subsection (n), direct the county treasurer and county auditor to transmit the following to the person by electronic mail:

(1) A statement that would otherwise be sent by the county treasurer to the person by regular mail under subsection (a)(1), including a statement that reflects installment payment due dates under section 9.5 or 9.7 of this chapter.

(2) A provisional tax statement that would otherwise be sent by the county treasurer to the person by regular mail under IC 6-1.1-22.5-6.

(3) A reconciling tax statement that would otherwise be sent by the county treasurer to the person by regular mail under any of the following:

(A) Section 9 of this chapter.

(B) Section 9.7 of this chapter.

(C) IC 6-1.1-22.5-12, including a statement that reflects installment payment due dates under IC 6-1.1-22.5-18.5.

(4) Any other information that:

(A) concerns the property taxes or special assessments; and

(B) would otherwise be sent:

(i) by the county treasurer or the county auditor to the person by regular mail; and

(ii) before the last date the property taxes or special assessments may be paid without becoming delinquent.

The information listed in this subsection may be transmitted to a person by using electronic mail that provides a secure Internet link to the information.

(i) For property with respect to which more than one (1) person is liable for property taxes and special assessments, subsection (h) applies only if all the persons liable for property taxes and special assessments designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(j) Before 2010, the department of local government finance shall create a form to be used to implement subsection (h). The county treasurer and county auditor shall:

(1) make the form created under this subsection available to the public;

(2) transmit a statement or other information by electronic mail under subsection (h) to a person who, at least thirty (30) days before the anticipated general mailing date of the statement or other information, files the form created under this subsection:

(A) with the county treasurer; or

(B) with the county auditor; and

(3) publicize the availability of the electronic mail option under this subsection through appropriate media in a manner reasonably designed to reach members of the public.

(k) The form referred to in subsection (j) must:

(1) explain that a form filed as described in subsection (j)(2) remains in effect until the person files a replacement form to:

(A) change the person's electronic mail address; or

(B) terminate the electronic mail option under subsection (h); and

(2) allow a person to do at least the following with respect to the electronic mail option under subsection (h):

(A) Exercise the option.

(B) Change the person's electronic mail address.

(C) Terminate the option.

(D) For a person other than an individual, designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (h).

(E) For property with respect to which more than one (1) person is liable for property taxes and special assessments, designate the electronic mail address for only one (1)

individual authorized to receive the statements and other information referred to in subsection (h).

(l) The form created under subsection (j) is considered filed with the county treasurer or the county auditor on the postmark date or on the date it is electronically submitted. If the postmark is missing or illegible, the postmark is considered to be one (1) day before the date of receipt of the form by the county treasurer or the county auditor.

(m) The county treasurer shall maintain a record that shows at least the following:

(1) Each person to whom a statement or other information is transmitted by electronic mail under this section.

(2) The information included in the statement.

(3) Whether the county treasurer received a notice that the person's electronic mail was undeliverable.

(n) A person may direct the county treasurer and county auditor to transmit information by electronic mail under subsection (h) on a form prescribed by the department submitted:

(1) in person;

(2) by mail; or

(3) in an online format developed by the county and approved by the department.

SECTION 2. IC 6-1.1-22.6-26.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.7. (a) This section applies only to a school corporation that imposes at least a majority of its 2014 certified property tax levies in a county that was or is a covered county in any year after 2011.**

(b) Notwithstanding any other law and subject to subsection (c), a school corporation described in subsection (a) may, before September 1, 2014, transfer from the school corporation's debt service fund to the school corporation's rainy day fund a total amount equal to not more than twenty percent (20%) of the school corporation's 2014 certified debt service fund budget.

(c) A school corporation may not make a transfer under this section to the extent that to do so would endanger the interests of the holders of bonds or would endanger the interests of lessors.

(d) This section expires January 1, 2015.

SECTION 3. IC 6-1.1-28-1, AS AMENDED BY P.L.182-2009(ss), SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. At the election of the board of commissioners of the county, a county property tax assessment board of appeals may consist of three (3) or five (5) members appointed in accordance with this section.

(b) This subsection applies to a county in which the board of commissioners elects to have a five (5) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (g) and (h), the board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(c) This subsection applies to a county in which the board of commissioners elects to have a three (3) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint one (1) individual to the

board. The member appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(d) A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a nonvoting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(e) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (b) or (c) that not more than three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

(1) who are willing to serve on the board; and

(2) whose political party membership status would satisfy the requirement in subsection (b) or (c).

(f) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

(1) residents of the county;

(2) certified level two or level three Indiana assessor-appraisers; and

(3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals be residents of the county.

(g) Except as provided in subsection (f), the term of a member of the county property tax assessment board of appeals appointed under this section:

(1) is one (1) year; and

(2) begins January 1.

(h) If:

(1) the term of a member of the county property tax assessment board of appeals appointed under this section expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

(i) An:

(1) employee of the township assessor or county assessor; or

(2) appraiser, as defined in IC 6-1.1-31.7-1;

may not serve as a voting member of a county property tax assessment board of appeals in a county where the employee or appraiser is employed.

SECTION 4. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 35.7. Assessor, Appraiser, and Tax Representative Standards of Conduct

Sec. 1. As used in this chapter, "appraiser" has the meaning set forth in IC 6-1.1-31.7-1.

Sec. 2. As used in this chapter, "tax representative" means a person who represents another person at a proceeding before the

property tax assessment board of appeals or the department. The term does not include:

(1) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;

(2) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;

(3) a representative of a local unit of government appearing on behalf of the unit;

(4) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or

(5) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the department to appear pro hac vice.

Sec. 3. (a) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall adhere to the Uniform Standards of Professional Appraisal Practice in the performance of the individual's duties.

(b) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall not do any of the following:

(1) Conduct an assessment that includes the reporting of a predetermined opinion or conclusion.

(2) Misrepresent the individual's role when providing valuation services that are outside the practice of property assessment.

(3) Communicate assessment results with the intent to mislead or defraud.

(4) Communicate a report that the individual knows is misleading or fraudulent.

(5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.

(6) Engage in criminal conduct.

(7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.

(8) Perform an assessment in a grossly negligent manner.

(9) Perform an assessment with bias.

(10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.

Sec. 4. (a) A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

(1) must be competent to perform a particular assessment;

(2) must acquire the necessary competency to perform the assessment; or

(3) shall contract with an appraiser who demonstrates competency to do the assessment.

(b) The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

(c) An individual whose certification is revoked by the department under subsection (b) may appeal the department's decision to the certification appeal board established under subsection (d). A decision of the certification appeal board may be appealed to the tax court in the same manner that a final determination of the department may be appealed under IC 33-26.

(d) The certification appeal board is established for the sole purpose of conducting appeals under this section. The board consists of the following seven (7) members:

(1) Two (2) representatives of the department appointed by the commissioner of the department.

(2) Two (2) individuals appointed by the governor. The individuals must be township or county assessors.

(3) Two (2) individuals appointed by the governor. The individuals must be licensed appraisers.

(4) One (1) individual appointed by the governor. The individual must be a resident of Indiana.

The commissioner of the department shall designate a member appointed under subdivision (1) as the chairperson of the board.

Not more than four (4) members of the board may be members of the same political party. Each member of the board serves at the pleasure of the appointing authority.

(e) The certification appeal board shall meet as often as is necessary to properly perform its duties. Each member of the board is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 5. (a) The department may revoke a certification issued under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

(b) If an appraiser's certification is revoked:

(1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and

(2) the appraiser may not receive any additional payments under the contract.

(c) A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

Sec. 6. A tax representative may not do any of the following:

(1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.

(2) Knowingly misrepresent any information or act in a fraudulent manner.

(3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under

IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the department, the Indiana board, or the property tax assessment board of appeals.

(2) Gross incompetence in the performance of practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department.

SECTION 5. **An emergency is declared for this act.**

P.L.135-2014
[H.1235. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning financial institutions.

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

SECTION 1. IC 4-32.2-1-1, AS AMENDED BY P.L.95-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This article applies only to a qualified organization.

(b) This article applies only to the following approved gambling events conducted as fundraising activities by qualified organizations:

(1) Bingo events, charity game nights, door prize events, raffle events, festivals, and other gaming events approved by the commission.

(2) The sale of pull tabs, punchboards, and tip boards:

(A) at bingo events, charity game nights, door prize events, raffle events, and festivals conducted by qualified organizations; or

(B) at any time on the premises owned or leased by a qualified organization and regularly used for the activities of the qualified organization.

This article does not apply to any other sale of pull tabs, punchboards, and tip boards.

(c) This article does not apply to a promotion offer subject to IC 24-8.

(d) This article does not apply to the following:

(1) A type II gambling game authorized by IC 4-36.

(2) A raffle or other gambling game authorized by IC 4-36-5-1(b).

(e) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 2. IC 24-8-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** This article applies to a promotion offer made:

(1) by a person in Indiana; or

(2) to a person in Indiana.

(b) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 3. IC 28-1-23.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 23.2. Prize Linked Savings Programs

Sec. 1. As used in this chapter, "director" refers to the director of the department of financial institutions.

Sec. 2. As used in this chapter, "eligible depository financial institution" means a credit union that is organized or reorganized under Indiana law with the express power to receive and accept deposits of money subject to withdrawal by any of the methods set forth in IC 28-1-23-16.

Sec. 3. As used in this chapter, "eligible individual", with respect to a prize linked savings program, means an individual who:

(1) is at least eighteen (18) years of age;

(2) is a member of the eligible depository financial institution conducting the prize linked savings program; and

(3) maintains a qualified account with the eligible depository financial institution conducting the prize linked savings program.

Sec. 4. (a) As used in this chapter, "qualified account", for purposes of a prize linked savings program, means:

(1) a savings account;

(2) a time deposit; or

(3) a savings program;

that is offered by an eligible depository financial institution to an eligible individual.

(b) The term includes:

(1) an account described in subsection (a) that is a share account; and

(2) an account described in subsection (a) in which an eligible individual has an interest:

(A) individually; or

(B) jointly with another eligible individual.

Sec. 5. (a) As used in this chapter, "qualified financial program", for purposes of a prize linked savings program, means any savings, debt reduction, or financial education program or product that an eligible depository financial institution offers to eligible individuals for the purpose of:

(1) educating eligible individuals in the concepts of thrift;

(2) encouraging savings by eligible individuals; or

(3) providing eligible individuals the opportunity to use and control their own money in order to improve their economic and social condition.

(b) Subject to the approval of the director, and of the eligible depository financial institution's board of directors, the term includes the following:

(1) Programs or products that encourage or require eligible individuals to open one (1) or more qualified accounts or to increase deposits or contributions to one (1) or more qualified accounts.

(2) Programs or products that encourage or require eligible individuals to deposit or transfer money into one (1) or more qualified accounts on a recurring or automatic basis.

(3) Programs or products that encourage an eligible individual to:

(A) refinance or consolidate existing debt to obtain a lower interest rate;

(B) lower the eligible individual's total debt ratio or revolving debt ratio by paying off or reducing outstanding balances; or

(C) prepare a budget or a debt reduction plan.

(4) Programs that encourage eligible individuals to:

(A) attend financial education seminars or counseling sessions sponsored by the eligible financial institution and offered free of charge; or

(B) use free online financial education, budgeting, or debt reduction tools.

(5) Any other similar savings, debt reduction, or financial education program or product that an eligible depository financial institution offers to eligible individuals for any of the purposes set forth in subsection (a).

Sec. 6. As used in this chapter, "prize linked savings program" means a contest:

(1) that is associated with one (1) or more qualified accounts or one (1) or more qualified financial programs offered by an eligible depository financial institution to eligible individuals;

(2) that is conducted by an eligible depository financial institution, alone or together with one (1) or more other businesses;

(3) that offers eligible individuals one (1) or more chances to win designated prizes; and

(4) in which:

(A) the sole consideration for a chance to win a designated prize is obtained by:

(i) depositing a minimum specified amount of money in a qualified account; or

(ii) participating in one (1) or more qualified financial programs; and

(B) each entry has an equal chance of being drawn.

Sec. 7. (a) Subject to subsections (b) and (c) and section 8 of this chapter, and subject to any rules, policies, or guidance adopted by the director under section 9 of this chapter, an eligible depository financial institution may offer and conduct a prize linked savings program if the following conditions are met:

(1) The terms and conditions of the prize linked savings program must allow an eligible individual to obtain one (1) or more entries to win a specified prize. Subject to any limits that the eligible depository financial institution may place on the number of entries that an eligible individual is permitted to obtain for any given prize linked savings program, as set forth in the terms and conditions of the prize linked savings program, the eligible depository financial institution must allow an eligible individual to obtain an entry for a prize linked savings program only by doing either or both of the following:

(A) Depositing a minimum specified amount of money in a qualified account in accordance with the terms and conditions of the prize linked savings program.

(B) Participating in one (1) or more qualified financial programs in accordance with the terms and conditions of the prize linked savings program.

(2) Each entry in the prize linked savings program must have an equal chance of being drawn.

(3) The prize linked savings program must be approved by:

(A) the director; and

(B) the eligible depository financial institution's board of directors;

before it is offered or promoted to eligible individuals by the eligible depository financial institution.

(b) An eligible depository financial institution may not conduct a prize linked savings program if the prize linked savings program will:

(1) harm the eligible depository financial institution's ability to operate in a safe and sound manner; or

(2) mislead eligible individuals or the public.

(c) An eligible depository financial institution that conducts a prize linked savings program under this chapter shall maintain books and records relating to the conduct of the prize linked savings program in the manner and for the length of time that the director may prescribe in rules, policies, or guidance adopted under section 9 of this chapter.

Sec. 8. (a) An eligible depository financial institution that offers a prize linked savings program under this chapter shall:

(1) post in any location where entries may be submitted; and

(2) disclose in any:

(A) printed materials; or

(B) electronic media;

promoting the prize linked savings program;

a statement describing the terms and conditions of the prize linked savings program.

(b) The statement required under subsection (a) must include language specifying the following:

(1) That, except for:

(A) making a deposit described in section 7(a)(1)(A) of this chapter; or

(B) participating in one (1) or more qualified financial programs, as described in section 7(a)(1)(B) of this chapter;

no other action, and no purchase or other consideration, is necessary for an entry into the prize linked savings program.

(2) That, except for:

(A) making a deposit described in section 7(a)(1)(A) of this chapter; or

(B) participating in one (1) or more qualified financial programs, as described in section 7(a)(1)(B) of this chapter;

taking any other action, or purchasing any goods or services, will not improve the odds of winning.

(3) That the odds of winning are determined based on the number of entries received.

Sec. 9. The director may do any of the following:

(1) Prescribe the form or manner in which an eligible depository financial institution may seek approval from the department to offer a prize linked savings program to eligible individuals.

(2) Adopt rules, policies, or guidance concerning the conduct of prize linked savings programs in Indiana.

(3) Examine the conduct of an eligible depository financial institution's prize linked savings program.

(4) Issue cease and desist orders or otherwise exercise the department's enforcement powers under IC 28-11-4 for a violation of this chapter.

SECTION 4. IC 35-45-5-7, AS AMENDED BY P.L.233-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

(1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state;

(2) a game of chance operated in accordance with IC 4-32.2; ~~or~~

(3) a gambling game operated in accordance with IC 4-35; **or**

(4) a prize linked savings program that:

(A) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(B) is:

(i) offered or conducted by a credit union organized or reorganized under United States law; and

(ii) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 5. IC 35-45-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. This chapter does not apply to a prize linked savings program that:**

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

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

P.L.136-2014
[H.1242. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 10-17-1-6, AS AMENDED BY P.L.100-2012, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The director of veterans' affairs:

(1) is the executive and administrative head of the Indiana department of veterans' affairs; and

(2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

(1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.

(2) To appoint the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must qualify for the job concerned.

(3) To carry out the program for veterans' affairs as directed by the governor and the commission.

(4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.

(5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.

(6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work, **including information necessary to inform veterans of the provisions of IC 22-9-10.**

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief fund.

(9) To establish a program and set guidelines under which a medal of honor awardee may receive compensation when attending and participating in official ceremonies.

SECTION 2. IC 22-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) It is the public policy of the state to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property, including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(b) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, disability, national origin, or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this state and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, disability, national origin, or ancestry through reasonable methods is the purpose of this chapter.

(c) It is also the public policy of this state to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(d) It is hereby declared to be contrary to the public policy of the state and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry.

(e) The general assembly recognizes that on February 16, 1972, there are institutions of learning in Indiana presently and traditionally

following the practice of limiting admission of students to males or to females. It is further recognized that it would be unreasonable to impose upon these institutions the expense of remodeling facilities to accommodate students of both sexes, and that educational facilities of similar quality and type are available in coeducational institutions for those students desiring such facilities. It is further recognized that this chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) It is against the public policy of the state and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

(1) refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or

(2) refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

~~(f)~~ **(g)** This chapter shall be construed broadly to effectuate its purpose.

SECTION 3. IC 22-9-1-3, AS AMENDED BY P.L.35-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter:

(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the

commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state, except that the term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) by the individual's parents, spouse, or child; or

(2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, ~~or~~ ancestry, **or status as a veteran;**

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, ~~or~~ ancestry, **or status as a veteran;**

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective

entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry; or

(4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4).

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

(1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or

(2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than ~~himself~~ **the director or deputy director)** or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

(1) sufficiently complete and filed by a complainant with the commission; or

(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

(1) the full name and address of the complainant;

(2) the name and address of the respondent against whom the complaint is made;

(3) the alleged discriminatory practice and a statement of particulars thereof;

(4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and

(5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

(1) it shall not be a discriminatory practice to maintain separate restrooms;

(2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and

(3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

(s) "Veteran" means:

(1) a veteran of the armed forces of the United States;

(2) a member of the Indiana National Guard; or

(3) a member of a reserve component.

SECTION 4. IC 22-9-1-6, AS AMENDED BY P.L.100-2012, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 6. (a) The commission shall establish and maintain a permanent office in the city of Indianapolis.

(b) Except as it concerns judicial review, the commission may adopt rules under IC 4-22-2 to implement this chapter.

(c) The commission shall formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or local subdivisions thereof to effectuate such policies. The several departments, commissions, divisions, authorities, boards, bureaus, agencies, and officers of the state or any political subdivision or agency thereof shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any matter before the commission.

(d) The commission shall receive and investigate complaints alleging discriminatory practices. The commission shall not hold hearings in the absence of a complaint. All investigations of complaints shall be conducted by staff members of the civil rights commission or their agents.

(e) The commission may create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these agencies and councils to:

(1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, handicap, national origin, or ancestry; and

(2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

These agencies and councils may make recommendation to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.

(f) The commission may issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, handicap, national origin, or ancestry.

(g) The commission shall prevent any person from discharging, expelling, or otherwise discriminating against any other person because the person filed a complaint, testified in any hearing before this

commission, or in any way assisted the commission in any matter under its investigation.

(h) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(i) The commission may appoint administrative law judges other than commissioners, when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be members in good standing before the bar of Indiana and shall be appointed by the chairman of the commission. An administrative law judge appointed under this subsection shall have the same powers and duties as a commissioner sitting as an administrative law judge. However, the administrative law judge may not issue subpoenas.

(j) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

~~(A)~~ **(1)** to restore complainant's losses incurred as a result of discriminatory treatment, as the commission may deem necessary to assure justice; however, **except in discriminatory practices involving veterans,** this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;

~~(B)~~ **(2)** to require the posting of notice setting forth the public policy of Indiana concerning civil rights and respondent's compliance with the policy in places of public accommodations;

~~(C)~~ **(3)** to require proof of compliance to be filed by respondent at periodic intervals; and

~~(D)~~ **(4)** to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why ~~his~~ **the person's** license should not be revoked or suspended.

When an employer has been found to have committed a discriminatory practice in employment by failing to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

(k) Judicial review of a cease and desist order or other affirmative action as referred to in this chapter may be obtained under IC 22-9-8. If no proceeding to obtain judicial review is instituted within thirty (30) days from receipt of notice by a person that an order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of the order in circuit or superior court upon showing that the person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(l) If, upon all the evidence, the commission shall find that a person has not engaged in any unlawful practice or violation of this chapter, the commission shall state its findings of facts and shall issue and cause to be served on the complainant an order dismissing the complaint as to the person.

(m) The commission may furnish technical assistance requested by persons subject to this chapter to further compliance with this chapter or with an order issued thereunder.

(n) The commission shall promote the creation of local civil rights agencies to cooperate with individuals, neighborhood associations, and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(o) The commission may reduce the terms of conciliation agreed to by the parties to writing (to be called a consent agreement) that the parties and a majority of the commissioners shall sign. When signed,

the consent agreement shall have the same effect as a cease and desist order issued under subsection (j). If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(p) In lieu of investigating a complaint and holding a hearing under this section, the commission may issue an order based on findings and determinations by the federal Department of Housing and Urban Development or the federal Equal Employment Opportunity Commission concerning a complaint that has been filed with one (1) of these federal agencies and with the commission. The commission shall adopt by rule standards under which the commission may issue such an order.

(q) Upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.

SECTION 5. IC 22-9-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10. Employment Opportunities for Veterans and Indiana National Guard and Reserve Members

Sec. 1. As used in this chapter, "commission" means the civil rights commission created by IC 22-9-1-4.

Sec. 2. As used in this chapter, "complainant" has the meaning set forth in IC 22-9-1-3(n).

Sec. 3. As used in this chapter, "complaint" has the meaning set forth in IC 22-9-1-3(o).

Sec. 4. As used in this chapter, "department" means the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 5. As used in this chapter, "employ" means to suffer or permit to work.

Sec. 6. As used in this chapter, "employee" has the meaning set forth in IC 22-9-1-3(i).

Sec. 7. As used in this chapter, "employer" has the meaning set forth in IC 22-9-1-3(h).

Sec. 8. As used in this chapter, "veteran" means:

(1) a veteran of the armed forces of the United States;

(2) a member of the Indiana National Guard; or

(3) a member of a reserve component.

Sec. 9. It is an unlawful employment practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

(1) refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or

(2) refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or a member of a reserve component.

Sec. 10. Notwithstanding section 9 of this chapter, it may be a defense to a charge of discrimination under this chapter that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or a benefit to a veteran with a disability has been shown to be job related and consistent with business necessity, and performance cannot be accomplished by reasonable accommodation, as required under IC 22-9-5-21.

Sec. 11. IC 22-9-5-22 applies to an employer that gives preference in employment to individuals of a particular religion.

Sec. 12. (a) The commission shall receive, investigate, and attempt to resolve complaints of violations of this chapter from complainants in the manner provided by IC 22-9-1-6.

(b) IC 22-9-1-16, IC 22-9-1-17, and IC 22-9-1-18 apply to complaints filed in accordance with this chapter.

Sec. 13. The commission may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this chapter. These rules must not be in conflict with the federal rules adopted under the employment discrimination provisions of the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), P.L.103-353 (38 U.S.C. 4301 et seq.).

Sec. 14. This chapter may not be construed to limit any of the preferences for the hiring of, employment of, or benefits for

veterans that are contained in any other provision of the Indiana Code.

Sec. 15. Each employer subject to this chapter shall provide notice of this chapter in a format accessible to applicants, describing the applicable provisions of this chapter. The department shall assist the commission in devising language for the use of an employer that complies with this chapter and any rules adopted under section 13 of this chapter.

P.L.137-2014
[H.1245. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning financial institutions.

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

SECTION 1. IC 24-4.4-1-102, AS AMENDED BY P.L.216-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 102. (1) This article shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this article are:

(a) to permit and encourage the development of fair and economically sound first lien mortgage lending practices; and

(b) to conform the regulation of first lien mortgage lending practices to applicable state and federal laws, rules, regulations, policies, and guidance.

(3) A reference to a requirement imposed by this article includes reference to a related rule of the department adopted under this article.

(4) A reference to a federal law in this article is a reference to the law as in effect December 31, ~~2012.~~ **2013.**

SECTION 2. IC 24-4.4-1-202, AS AMENDED BY P.L.13-2013, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 202. (a) As used in this section, "balloon payment", with respect to a mortgage transaction, means any payment:

(1) that the creditor requires the debtor to make at any time during the term of the mortgage;

(2) that represents the entire amount of the outstanding balance with respect to the mortgage; and

(3) the entire amount of which is due as of a specified date or at the end of a specified period;

if the aggregate amount of the minimum periodic payments required under the mortgage would not fully amortize the outstanding balance by the specified date or at the end of the specified period. The term does not include a payment required by a creditor under a due-on-sale clause (as defined in 12 U.S.C. 1701j-3(a)) or a payment required by a creditor under a provision in the mortgage that permits the creditor to accelerate the debt upon the debtor's default or failure to abide by the material terms of the mortgage.

(b) This article does not apply to the following:

(1) Extensions of credit to government or governmental agencies or instrumentalities.

(2) A first lien mortgage transaction in which the debt is incurred primarily for a purpose other than a personal, family, or household purpose.

(3) An extension of credit primarily for a business, a commercial, or an agricultural purpose.

(4) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage transaction made:

(a) in compliance with the requirements of; and

(b) by a community development corporation (as defined in IC 4-4-28-2) acting as a subrecipient of funds from;

the Indiana housing and community development authority established by IC 5-20-1-3.

(5) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a first lien mortgage transaction made by an entity that exclusively uses funds provided by the United States Department of Housing and Urban Development under Title 1 of the federal Housing and

Community Development Act of 1974, Public Law 93-383, as amended (42 U.S.C. 5301 et seq.).

(6) An extension of credit originated by:

(a) a depository institution;

(b) subsidiaries **that are not licensed under this article and** that are:

(i) owned and controlled by a depository institution; and

(ii) regulated by a federal banking agency; or

(c) an institution regulated by the Farm Credit Administration.

(7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service organization that is majority owned, directly or indirectly, by one (1) or more credit unions.

(8) A first lien mortgage transaction originated by a registered mortgage loan originator, when acting for an entity described in subsection (6). However, a privately insured state chartered credit union shall comply with the system of mortgage loan originator registration developed by the Federal Financial Institutions Examinations Council under Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE).

(9) An individual who offers or negotiates terms of a mortgage transaction with or on behalf of an immediate family member of the individual.

(10) An individual who offers or negotiates terms of a mortgage transaction secured by a dwelling that served as the individual's residence.

(11) Unless the attorney is compensated by:

(a) a lender;

(b) a mortgage broker;

(c) another mortgage loan originator; or

(d) any agent of the lender, mortgage broker, or other mortgage loan originator described in clauses (a) through (c);

a licensed attorney who negotiates the terms of a mortgage transaction on behalf of a client as an ancillary matter to the attorney's representation of the client.

(12) The United States, any state or local government, or any agency or instrumentality of any governmental entity, including United States government sponsored enterprises.

(13) A person in whose name a tablefunded transaction is closed, as described in section 301(34)(a) of this chapter. However, the exemption provided by this subsection does not apply if:

(a) the transaction:

(i) is secured by a dwelling that is a mobile home, a manufactured home, or a trailer; and

(ii) is not also secured by an interest in land; and

(b) the person in whose name the transaction is closed, as described in section 301(34)(a) of this chapter, sells the dwelling to the debtor through a retail installment contract or other similar transaction.

(14) A bona fide nonprofit organization not operating in a commercial context, as determined by the director, if the following criteria are satisfied:

(a) Subject to clause (b), the organization originates only one (1) or both of the following types of mortgage transactions:

(i) Zero (0) interest first lien mortgage transactions.

(ii) Zero (0) interest subordinate lien mortgage transactions.

(b) The organization does not require, under the terms of the mortgage or otherwise, balloon payments with respect to the mortgage transactions described in clause (a).

(c) The organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(d) The organization's primary purpose is to serve the public by helping low income individuals and families build, repair, and purchase housing.

(e) The organization uses only:

(i) unpaid volunteers; or

(ii) employees whose compensation is not based on the number or size of any mortgage transactions that the employees originate;

to originate the mortgage transactions described in clause (a).

(f) The organization does not charge loan origination fees in connection with the mortgage transactions described in clause (a).

(15) A bona fide nonprofit organization (as defined in section 301(37) of this chapter) if the following criteria are satisfied:

(a) For each calendar year that the organization seeks the exemption provided by this subdivision, the organization certifies, not later than December 31 of the preceding calendar year and on a form prescribed by the director and accompanied by such documentation as required by the director, that the organization is a bona fide nonprofit organization (as defined in section 301(37) of this chapter).

(b) The director determines that the organization originates only mortgage transactions that are favorable to the debtor. For purposes of this clause, a mortgage transaction is favorable to the debtor if the director determines that the terms of the mortgage transaction are consistent with terms of mortgage transactions made in a public or charitable context, rather than in a commercial context.

SECTION 3. IC 24-4.4-1-301, AS AMENDED BY P.L.216-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 301. In addition to definitions appearing in subsequent chapters of this article, the following definitions apply throughout this article:

(1) "Affiliate", with respect to any person subject to this article, means a person that, directly or indirectly, through one (1) or more intermediaries:

(a) controls;

(b) is controlled by; or

(c) is under common control with;

the person subject to this article.

(2) "Agreement" means the bargain of the parties in fact as found in the parties' language or by implication from other circumstances, including course of dealing or usage of trade or course of performance.

(3) "Agricultural products" includes agricultural products, horticultural products, viticultural products, dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, any products raised or produced on farms, and any products processed or manufactured from products raised or produced on farms.

(4) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products.

(5) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

(a) credit is granted by a person who engages as a seller in credit transactions of the same kind;

(b) the buyer is a person other than an organization;

(c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services, either:

(i) the ~~sale~~ amount **of credit extended, the written credit limit, or the initial advance** does not exceed fifty-three thousand **five hundred** dollars ~~($53,000)~~ **($53,500)** or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

(6) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(7) "Creditor" means a person:

(a) that regularly engages in the extension of first lien mortgage transactions that are subject to a credit service charge or loan finance charge, as applicable, or are payable by written agreement in more than four (4) installments (not including a down payment); and

(b) to which the obligation is initially payable, either on the face of the note or contract, or by agreement if there is not a note or contract.

The term does not include a person described in subsection (34)(a) in a tablefunded transaction. A creditor may be an individual, a limited liability company, a sole proprietorship, a

partnership, a trust, a joint venture, a corporation, an unincorporated organization, or other form of entity, however organized.

(8) "Department" refers to the members of the department of financial institutions.

(9) "Depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(10) "Director" refers to the director of the department of financial institutions or the director's designee.

(11) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:

(a) condominium unit;

(b) cooperative unit;

(c) mobile home; or

(d) trailer;

that is used as a residence.

(12) "Employee" means an individual who is paid wages or other compensation by an employer required under federal income tax law to file Form W-2 on behalf of the individual.

(13) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(14) "First lien mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(15) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(16) "Individual" means a natural person.

(17) "Licensee" means a person licensed as a creditor under this article.

(18) "Loan" includes:

(a) the creation of debt by:

(i) the creditor's payment of or agreement to pay money to the debtor or to a third party for the account of the debtor; or

(ii) the extension of credit by a person who engages as a seller in credit transactions primarily secured by an interest in land;

(b) the creation of debt by a credit to an account with the creditor upon which the debtor is entitled to draw immediately; and

(c) the forbearance of debt arising from a loan.

(19) "Loan brokerage business" means any activity in which a person, in return for any consideration from any source, procures, attempts to procure, or assists in procuring, a mortgage transaction from a third party or any other person, whether or not the person seeking the mortgage transaction actually obtains the mortgage transaction.

(20) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a person licensed or exempt from licensing under this article. For purposes of this subsection, the term "clerical or support duties" may include, after the receipt of an application, the following:

(a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a mortgage transaction.

(b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:

(i) offering or negotiating loan rates or terms; or

(ii) counseling consumers about mortgage transaction rates or terms.

(21) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction

application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.5 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.5, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

(i) a creditor;

(ii) a loan broker;

(iii) another mortgage loan originator; or

(iv) any agent of a creditor, a loan broker, or another mortgage loan originator described in items (i) through (iii);

a person or entity that performs only real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(22) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage.

(23) "Mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(24) "Nationwide Mortgage Licensing System and Registry" or "NMLSR" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the

licensing and registration of creditors and mortgage loan originators.

(25) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(26) "Organization" means a corporation, a government or government subdivision, an agency, a trust, an estate, a partnership, a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(27) "Payable in installments", with respect to a debt or an obligation, means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(28) "Person" includes an individual or an organization.

(29) "Principal" of a mortgage transaction means the total of:

(a) the net amount paid to, receivable by, or paid or payable for the account of the debtor; and

(b) to the extent that payment is deferred, amounts actually paid or to be paid by the creditor for registration, certificate of title, or license fees if not included in clause (a).

(30) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

(a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.

(b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.

(c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to the sale, purchase, lease, rental, or exchange of real property).

(d) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.

(e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(31) "Registered mortgage loan originator" means any individual who:

(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(b) is registered with, and maintains a unique identifier through, the NMLSR.

(32) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(33) "Revolving first lien mortgage transaction" means a first lien mortgage transaction in which:

(a) the creditor permits the debtor to obtain advances from time to time;

(b) the unpaid balances of principal, finance charges, and other appropriate charges are debited to an account; and

(c) the debtor has the privilege of paying the balances in installments.

(34) "Tablefunded" means a transaction in which:

(a) a person closes a first lien mortgage transaction in the person's own name as a mortgagee with funds provided by one (1) or more other persons; and

(b) the transaction is assigned, not later than one (1) business day after the funding of the transaction, to the mortgage creditor providing the funding.

(35) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

(36) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

(37) "Bona fide nonprofit organization" means an organization that does the following, as determined by the director, under criteria established by the director:

(a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Promotes affordable housing or provides home ownership education or similar services.

(c) Conducts the organization's activities in a manner that serves public or charitable purposes.

(d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.

(e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.

(f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in section 202(b)(15) of this chapter) and comparable to mortgage transactions and housing assistance provided under government housing assistance programs.

(g) Maintains certification by the United States Department of Housing and Urban Development or employs counselors who are certified by the Indiana housing and community development authority.

(38) "Regularly engaged", with respect to a person who extends or originates first lien mortgage transactions, refers to a person who:

(a) extended or originated more than five (5) first lien mortgage transactions in the preceding calendar year; or

(b) extends or originates, or will extend or originate, more than five (5) first lien mortgage transactions in the current calendar year if the person did not extend or originate more than five (5) first lien mortgage transactions in the preceding calendar year.

SECTION 4. IC 24-4.4-2-402.3, AS AMENDED BY P.L.216-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 402.3. (1) Each:

(a) creditor; and

(b) person exempt from licensing under this article that employs a licensed mortgage loan originator;

must be covered by a surety bond in accordance with this section.

(2) A surety bond must:

(a) provide coverage for:

(i) a creditor; or

(ii) a person exempt from licensing under this article that employs a **licensed** mortgage loan originator;

in an amount as prescribed in subsection (4);

(b) be in a form prescribed by the director;

(c) be in effect:

(i) during the term of the creditor's license under this chapter; or

(ii) at any time during which the person exempt from licensing under this article employs a licensed mortgage loan originator;

as applicable;

(d) remain in effect during the two (2) years after:

(i) the creditor ceases offering financial services to individuals in Indiana; or

(ii) the person exempt from licensing under this article ceases to employ a licensed mortgage loan originator or to offer financial services to individuals in Indiana, whichever is later;

as applicable;

(e) be payable to the department for the benefit of:

(i) the state; and

(ii) individuals who reside in Indiana when they agree to receive financial services from the creditor or the person exempt from licensing under this article, as applicable;

(f) be issued by a bonding, surety, or insurance company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(g) have payment conditioned upon:

(i) the creditor's or any of the creditor's licensed mortgage loan originators'; or

(ii) the exempt person's or any of the exempt person's licensed mortgage loan originators';

noncompliance with or violation of this chapter, 750 IAC 9, or other federal or state laws or regulations applicable to mortgage lending.

(3) The director may adopt rules or guidance documents with respect to the requirements for a surety bond as necessary to accomplish the purposes of this article.

(4) The penal sum of the surety bond shall be maintained in an amount that reflects the dollar amount of mortgage transactions originated as determined by the director. If the principal amount of a surety bond required under this section is reduced by payment of a claim or judgment, the creditor or exempt person for whom the bond is issued shall immediately notify the director of the reduction and, not later than thirty (30) days after notice by the director, file a new or an additional surety bond in an amount set by the director. The amount of the new or additional bond set by the director must be at least the amount of the bond before payment of the claim or judgment.

(5) If for any reason a surety terminates a bond issued under this section, the creditor or the exempt person shall immediately notify the department and file a new surety bond in an amount determined by the director.

(6) Cancellation of a surety bond issued under this section does not affect any liability incurred or accrued during the period when the surety bond was in effect.

(7) The director may obtain satisfaction from a surety bond issued under this section if the director incurs expenses, issues a final order, or recovers a final judgment under this chapter.

(8) Notices required under this section must be in writing and delivered by certified mail, return receipt requested and postage prepaid, or by overnight delivery using a nationally recognized carrier.

SECTION 5. IC 24-4.5-1-102, AS AMENDED BY P.L.216-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 102. (1) This article shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this article are:

(a) to simplify, clarify, and modernize the law governing retail installment sales, consumer credit, small loans, and usury;

(b) to provide rate ceilings to assure an adequate supply of credit to consumers;

(c) to further consumer understanding of the terms of credit transactions and to foster competition among suppliers of

consumer credit so that consumers may obtain credit at reasonable cost;

(d) to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers of consumer credit, having due regard for the interests of legitimate and scrupulous creditors;

(e) to permit and encourage the development of fair and economically sound consumer credit practices;

(f) to conform the regulation of consumer credit transactions to the policies of the Federal Consumer Credit Protection Act and to applicable state and federal laws, rules, regulations, policies, and guidance; and

(g) to make uniform the law, including administrative rules among the various jurisdictions.

(3) A reference to a requirement imposed by this article includes reference to a related rule or guidance of the department adopted pursuant to this article.

(4) A reference to a federal law in this article is a reference to the law as in effect December 31, ~~2012.~~ **2013.**

(5) This article applies to a transaction if the director determines that the transaction:

(a) is in substance a disguised consumer credit transaction; or

(b) involves the application of subterfuge for the purpose of avoiding this article.

A determination by the director under this paragraph must be in writing and shall be delivered to all parties to the transaction. IC 4-21.5-3 applies to a determination made under this paragraph.

(6) The authority of this article remains in effect, whether a licensee, an individual, or a person subject to this article acts or claims to act under any licensing or registration law of this state, or claims to act without such authority.

(7) A violation of a state or federal law, regulation, or rule applicable to consumer credit transactions is a violation of this article.

(8) The department may enforce penalty provisions set forth in 15 U.S.C. 1640 for violations of disclosure requirements applicable to mortgage transactions.

SECTION 6. IC 24-4.5-1-301.5, AS AMENDED BY P.L.216-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 301.5. In addition to definitions appearing in

subsequent chapters in this article, the following definitions apply throughout this article:

(1) "Affiliate", with respect to any person subject to this article, means a person that, directly or indirectly, through one (1) or more intermediaries:

(a) controls;

(b) is controlled by; or

(c) is under common control with;

the person subject to this article.

(2) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances, including course of dealing or usage of trade or course of performance.

(3) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates, plants, propagates, or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(4) "Average daily balance" means the sum of each of the daily balances in a billing cycle divided by the number of days in the billing cycle, and if the billing cycle is a month, the creditor may elect to treat the number of days in each billing cycle as thirty (30).

(5) "Closing costs" with respect to a subordinate lien mortgage transaction includes:

(a) fees or premiums for title examination, title insurance, or similar purposes, including surveys;

(b) fees for preparation of a deed, settlement statement, or other documents;

(c) escrows for future payments of taxes and insurance;

(d) fees for notarizing deeds and other documents;

(e) appraisal fees; and

(f) fees for credit reports.

(6) "Conspicuous" refers to a term or clause when it is so written that a reasonable person against whom it is to operate ought to have noticed it.

(7) "Consumer credit" means credit offered or extended to a consumer primarily for a personal, family, or household purpose.

(8) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

(a) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

(b) the buyer is a person other than an organization;

(c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services, either:

(i) the ~~sale~~ amount **of credit extended, the written credit limit, or the initial advance** does not exceed fifty-three thousand **five hundred** dollars ~~($53,000)~~ **($53,500)** or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

Unless the sale is made subject to this article by agreement (IC 24-4.5-2-601), "consumer credit sale" does not include a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card or similar arrangement or except as provided with respect to disclosure (IC 24-4.5-2-301), debtors' remedies (IC 24-4.5-5-201), providing payoff amounts (IC 24-4.5-2-209), and powers and functions of the department (IC 24-4.5-6) a sale of an interest in land which is a first lien mortgage transaction.

(9) "Consumer loan" means a loan made by a person regularly engaged in the business of making loans in which:

(a) the debtor is a person other than an organization;

(b) the debt is primarily for a personal, family, or household purpose;

(c) either the debt is payable in installments or a loan finance charge is made; and

(d) either:

(i) the ~~loan~~ amount **of credit extended, the written credit limit, or the initial advance** does not exceed fifty-three thousand **five hundred** dollars ~~($53,000)~~ **($53,500)** or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by an interest in land or by personal property used or expected to be used as the principal dwelling of the debtor.

Except as described in IC 24-4.5-3-105, the term does not include a first lien mortgage transaction.

(10) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(11) "Creditor" means a person:

(a) who regularly engages in the extension of consumer credit that is subject to a credit service charge or loan finance charge, as applicable, or is payable by written agreement in more than four (4) installments (not including a down payment); and

(b) to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is not a note or contract.

(12) "Depository institution" has the meaning set forth in the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any credit union.

(13) "Director" means the director of the department of financial institutions or the director's designee.

(14) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:

(a) condominium unit;

(b) cooperative unit;

(c) mobile home; or

(d) trailer;

that is used as a residence.

(15) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program.

(16) "Employee" means an individual who is paid wages or other compensation by an employer required under federal income tax law to file Form W-2 on behalf of the individual.

(17) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(18) "First lien mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(19) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. The term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(20) "Individual" means a natural person.

(21) "Lender credit card or similar arrangement" means an arrangement or loan agreement, other than a seller credit card, pursuant to which a lender gives a debtor the privilege of using a credit card, letter of credit, or other credit confirmation or identification in transactions out of which debt arises:

(a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by the debtor;

(b) by the lender's payment or agreement to pay the debtor's obligations; or

(c) by the lender's purchase from the obligee of the debtor's obligations.

(22) "Licensee" means a person licensed as a creditor under this article.

(23) "Loan brokerage business" means any activity in which a person, in return for any consideration from any source, procures, attempts to procure, or assists in procuring, a mortgage transaction from a third party or any other person, whether or not the person

seeking the mortgage transaction actually obtains the mortgage transaction.

(24) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of, and subject to the supervision and instruction of, a person licensed or exempt from licensing under this article. For purposes of this subsection, the term "clerical or support duties" may include, after the receipt of an application, the following:

(a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a mortgage transaction.

(b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:

(i) offering or negotiating loan rates or terms; or

(ii) counseling consumers about mortgage transaction rates or terms.

An individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(25) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.4 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.4, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

(i) a creditor;

(ii) a loan broker;

(iii) another mortgage loan originator; or

(iv) any agent of the creditor, loan broker, or other mortgage loan originator described in items (i) through (iii);

a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(26) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage.

(27) "Mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(28) "Nationwide Mortgage Licensing System and Registry", or "NMLSR", means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of creditors and mortgage loan originators.

(29) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(30) "Official fees" means:

(a) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or

(b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in paragraph (a) that would otherwise be payable.

(31) "Organization" means a corporation, a government or governmental subdivision, an agency, a trust, an estate, a partnership,

a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(32) "Payable in installments" means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(33) "Person" includes an individual or an organization.

(34) "Person related to" with respect to an individual means:

(a) the spouse of the individual;

(b) a brother, brother-in-law, sister, or sister-in-law of the individual;

(c) an ancestor or lineal descendants of the individual or the individual's spouse; and

(d) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(35) "Person related to" with respect to an organization means:

(a) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(b) a director, an executive officer, or a manager of the organization or a person performing similar functions with respect to the organization or to a person related to the organization;

(c) the spouse of a person related to the organization; and

(d) a relative by blood or marriage of a person related to the organization who shares the same home with the person.

(36) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed, unless and until evidence is introduced that would support a finding of its nonexistence.

(37) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

(a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.

(b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.

(c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with

respect to the sale, purchase, lease, rental, or exchange of real property).

(d) Engaging in any activity for which a person is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.

(e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(38) "Registered mortgage loan originator" means any individual who:

(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(b) is registered with, and maintains a unique identifier through, the NMLSR.

(39) "Regularly engaged", with respect to a person who extends consumer credit, refers to a person who:

(a) extended consumer credit:

(i) more than twenty-five (25) times; or

(ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the preceding calendar year; or

(b) extends or will extend consumer credit:

(i) more than twenty-five (25) times; or

(ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the current calendar year, if the person did not meet the numerical standards described in subdivision (a) in the preceding calendar year.

(40) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(41) "Seller credit card" means an arrangement that gives to a buyer or lessee the privilege of using a credit card, letter of credit, or other credit confirmation or identification for the purpose of purchasing or

leasing goods or services from that person, a person related to that person, or from that person and any other person. The term includes a card that is issued by a person, that is in the name of the seller, and that can be used by the buyer or lessee only for purchases or leases at locations of the named seller.

(42) "Subordinate lien mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a subordinate lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(43) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

(44) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

(45) "Bona fide nonprofit organization" means an organization that does the following, as determined by the director under criteria established by the director:

(a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) Promotes affordable housing or provides home ownership education or similar services.

(c) Conducts the organization's activities in a manner that serves public or charitable purposes.

(d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.

(e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.

(f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in section 202(b)(15) of this chapter) and comparable to

mortgage transactions and housing assistance provided under government housing assistance programs.

(g) Maintains certification by the United States Department of Housing and Urban Development or employs counselors who are certified by the Indiana housing and community development authority.

SECTION 7. IC 24-4.5-2-106, AS AMENDED BY P.L.216-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 106. (1) "Consumer lease" means a lease of goods:

(a) which a lessor regularly engaged in the business of leasing makes to a person, other than an organization, who takes under the lease primarily for a personal, family, or household purpose;

(b) in which the amount payable under the lease does not exceed fifty-three thousand **five hundred** dollars ~~($53,000)~~ **($53,500)** or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); and

(c) which is for a term exceeding four (4) months.

(2) "Consumer lease" does not include a lease made pursuant to a lender credit card or similar arrangement.

SECTION 8. IC 24-4.5-2-407, AS AMENDED BY P.L.35-2010, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 407. (1) With respect to a consumer credit sale, a seller may take a security interest in the property sold. In addition, a seller may take a security interest in goods upon which services are performed or in which goods sold are installed or to which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if, in the case of a subordinate lien mortgage transaction, the debt secured is ~~one~~ **four** thousand dollars ~~($1,000)~~ **($4,000)** or more, or, in the case of a security interest in goods the debt secured is three hundred dollars ($300) or more. Except as provided with respect to cross-collateral (IC 24-4.5-2-408), a seller may not otherwise take a security interest in property of the buyer to secure the debt arising from a consumer credit sale.

(2) With respect to a consumer lease, a lessor may not take a security interest in property of the lessee to secure the debt arising from the lease.

(3) A security interest taken in violation of this section is void.

(4) The amounts of ~~one~~ **four** thousand dollars ~~($1,000)~~ **($4,000)** and three hundred dollars ($300) in subsection (1) are subject to change pursuant to the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). **However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.**

SECTION 9. IC 24-4.5-2-602, AS AMENDED BY P.L.216-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 602. (1) A "consumer related sale" is a sale of goods, services, or an interest in land in which:

(a) credit is granted by a person that is not regularly engaged as a seller in credit transactions of the same kind;

(b) the buyer is a person other than an organization;

(c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;

(d) either the debt is payable in installments or a credit service charge is made; and

(e) with respect to a sale of goods or services:

(i) either the ~~sale~~ amount **of credit extended, the written credit limit, or the initial advance** does not exceed fifty-three thousand **five hundred** dollars ~~($53,000)~~ **($53,500)** or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

(2) With respect to a consumer related sale not made pursuant to a revolving charge account, the parties may contract for an amount comprising the amount financed and a credit service charge not in excess of twenty-one percent (21%) per year calculated according to the actuarial method on the unpaid balances of the amount financed.

(3) With respect to a consumer related sale made pursuant to a revolving charge account, the parties may contract for a credit service

charge not in excess of that permitted by the provisions on credit service charge for revolving charge accounts (IC 24-4.5-2-207).

(4) A person engaged in consumer related sales is not required to comply with IC 24-4.5-6-201 through IC 24-4.5-6-203.

SECTION 10. IC 24-4.5-3-502.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 502.2. (1) Subject to subsection (6), the director may designate the NMLSR to serve as the sole entity responsible for:**

(a) processing applications and renewals for licenses required under section 502 of this chapter;

(b) issuing unique identifiers for licensees and entities exempt from licensing under section 502 of this chapter; and

(c) performing other services that the director determines are necessary for the orderly administration of the department's licensing system under section 502 of this chapter.

(2) Subject to the confidentiality provisions contained in IC 5-14-3, this section, and IC 28-1-2-30, the director shall regularly report to the NMLSR significant or recurring violations of this article related to consumer loans that are not mortgage transactions, including small loans under IC 24-4.5-7.

(3) Subject to the confidentiality provisions contained in IC 5-14-3, this section, and IC 28-1-2-30, the director may report to the NMLSR complaints received regarding licensees under section 502 of this chapter in connection with consumer loans that are not mortgage transactions, including small loans under IC 24-4.5-7.

(4) The director may report to the NMLSR publicly adjudicated licensure actions against licensees under section 502 of this chapter.

(5) The director shall establish a process in which persons licensed in accordance with section 502 of this chapter may challenge information reported to the NMLSR by the department.

(6) The director's authority to designate the NMLSR under subsection (1) is subject to the following:

(a) Information stored in the NMLSR is subject to the confidentiality provisions of IC 28-1-2-30 and IC 5-14-3. A person may not:

(i) obtain information from the NMLSR unless the person is authorized to do so by statute;

(ii) initiate any civil action based on information obtained from the NMLSR if the information is not otherwise available to the person under any other state law; or

(iii) initiate any civil action based on information obtained from the NMLSR if the person could not have initiated the action based on information otherwise available to the person under any other state law.

(b) Documents, materials, and other forms of information in the control or possession of the NMLSR that are confidential under IC 28-1-2-30 and that are:

(i) furnished by the director, the director's designee, or a licensee; or

(ii) otherwise obtained by the NMLSR;

are confidential and privileged by law and are not subject to inspection under IC 5-14-3, subject to subpoena, subject to discovery, or admissible in evidence in any civil action. However, the director may use the documents, materials, or other information available to the director in furtherance of any action brought in connection with the director's duties under this article.

(c) Disclosure of documents, materials, and information:

(i) to the director; or

(ii) by the director;

under this subsection does not result in a waiver of any applicable privilege or claim of confidentiality with respect to the documents, materials, or information.

(d) Information provided to the NMLSR is subject to IC 4-1-11.

(e) This subsection does not limit or impair a person's right to:

(i) obtain information;

(ii) use information as evidence in a civil action or proceeding; or

(iii) use information to initiate a civil action or proceeding;

if the information may be obtained from the director or the director's designee under any law.

(f) The requirements under any federal law or IC 5-14-3 regarding the privacy or confidentiality of any information or material provided to the NMLSR, and any privilege arising

under federal or state law, including the rules of any federal or state court, with respect to the information or material, continue to apply to the information or material after the information or material has been disclosed to the NMLSR. The information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or IC 5-14-3.

(g) For purposes of this section, the director may enter agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, or other associations representing governmental agencies as established by rule or order of the director.

(h) Information or material that is subject to a privilege or confidentiality under subdivision (f) is not subject to:

(i) disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(ii) subpoena, discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privileged information or material held by the NMLSR, the person to whom the information or material pertains waives, in whole or in part, in the discretion of the person, that privilege.

(i) Any provision of IC 5-14-3 that concerns the disclosure of:

(i) confidential supervisory information; or

(ii) any information or material described in subdivision (f);

and that is inconsistent with subdivision (f) is superseded by this section.

(j) This section does not apply with respect to information or material that concerns the employment history of, and publicly adjudicated disciplinary and enforcement actions against, a person licensed in accordance with section 502 of this chapter and described in section 503(2) of this chapter and that is included in the NMLSR for access by the public.

(k) The director may require a licensee required to submit information to the NMLSR to pay a processing fee considered reasonable by the director. In determining whether an NMLSR processing fee is reasonable, the director shall:

(i) require review of; and

(ii) make available;

the audited financial statements of the NMLSR.

(7) Notwithstanding any other provision of law, any:

(a) application, renewal, or other form or document that:

(i) relates to licenses issued under section 502 of this chapter; and

(ii) is made or produced in an electronic format;

(b) document filed as an electronic record in a multistate automated repository established and operated for the licensing or registration of financial services entities and their employees; or

(c) electronic record filed through the NMLSR;

is considered a valid original document when reproduced in paper form by the department.

SECTION 11. IC 24-4.5-3-510 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 510. Restrictions on Interest in Land as Security — (1) With respect to a supervised loan in which the principal is ~~one~~ **four** thousand dollars ~~($1000)~~ **($4,000)** or less, a lender may not contract for an interest in land as security. A security interest taken in violation of this section is void.

(2) The amount of ~~one~~ **four** thousand dollars ~~($1000)~~ **($4,000)** in subsection (1) is subject to change pursuant to the provisions on adjustment of dollar amounts **(IC** 24-4.5-1-106). **However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.**

SECTION 12. IC 24-4.5-3-511 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 511. Regular Schedule of Payments; Maximum Loan Term — (1) Supervised loans not made pursuant to a revolving loan account and in which the principal is ~~one~~ **four** thousand dollars ~~($1,000)~~ **($4,000)** or less ~~shall be~~ **are** payable in a single instalment or shall be scheduled to be payable in substantially equal instalments ~~which shall be~~ **that are** payable at equal periodic

intervals, except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and**:**

(a) over a period of not more than thirty-seven (37) months if the principal is more than three hundred dollars ($300), or

(b) over a period of not more than twenty-five (25) months if the principal is three hundred dollars ($300) or less.

(2) The amounts of three hundred dollars ($300) and ~~one~~ **four** thousand dollars ~~($1,000)~~ **($4,000)** in subsection (1) are subject to change pursuant to the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). **However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.**

SECTION 13. IC 24-4.5-3-602, AS AMENDED BY P.L.216-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 602. (1) A "consumer related loan" is a loan in which the following apply:

(a) The loan is made by a person who is not regularly engaged as a lender in credit transactions of the same kind.

(b) The debtor is a person other than an organization.

(c) The debt is primarily for a personal, family, or household purpose.

(d) Either the debt is payable in installments or a loan finance charge is made.

(e) Either:

(i) the ~~loan~~ amount **of credit extended, the written credit limit, or the initial advance** does not exceed fifty-three thousand **five hundred** dollars ~~($53,000)~~ **($53,500)** or another amount as adjusted in accordance with the annual adjustment of the exempt threshold amount specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

(ii) the debt is secured by an interest in land or by personal property used or expected to be used as the principal dwelling of the debtor.

(2) With respect to a consumer related loan, including one made pursuant to a revolving loan account, the parties may contract for the payment by the debtor of a loan finance charge not in excess of that permitted by the provisions on loan finance charge for consumer loans other than supervised loans (IC 24-4.5-3-201).

(3) A person engaged in consumer related loans is not required to comply with:

(a) the licensing requirements set forth in section 503 of this chapter; or

(b) IC 24-4.5-6-201 through IC 24-4.5-6-203.

SECTION 14. IC 24-4.5-4-301 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 301. Property Insurance - (1) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless:

(a) the insurance covers a substantial risk of loss of or damage to property related to the credit transaction;

(b) the amount, terms, and conditions of the insurance are reasonable in relation to the character and value of the property insured or to be insured; and

(c) the term of the insurance is reasonable in relation to the terms of credit.

(2) The term of the insurance is reasonable if it is customary and does not extend substantially beyond a scheduled maturity.

(3) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the amount financed or principal exclusive of charges for the insurance is three hundred dollars ($300) or more, and the value of the property is three hundred ~~dollar~~ **dollars** ($300) or more.

(4) The amounts of three hundred dollars ($300) in subsection (3) are subject to change pursuant to the provisions on adjustment of dollar amounts **(IC** 24-4.5-1-106). **However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.**

SECTION 15. IC 24-4.5-5-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 103. Restrictions on Deficiency Judgments in Consumer Credit Sales — (1) This section applies to a consumer credit sale of goods or services.

(2) If the seller repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which ~~he~~ **the seller** has a security interest, and the cash price of the goods repossessed or surrendered was ~~one~~ **four** thousand dollars ~~($1000)~~ **($4,000)** or less, the buyer is not personally liable to the seller for the unpaid balance of

the debt arising from the sale of the goods, and the seller is not obligated to resell the collateral.

(3) If the seller repossesses or voluntarily accepts surrender of goods which were not the subject of the sale but in which ~~he~~ **the seller** has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was ~~one~~ **four** thousand dollars ~~($1000)~~ **($4,000)** or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from the sale.

(4) For the purpose of determining the unpaid balance of consolidated debts or debts pursuant to revolving charge accounts, the allocation of payments to a debt shall be determined in the same manner as provided for determining the amount of debt secured by various security interests **(IC** 24-4.5-2-409).

(5) The buyer may be liable in damages to the seller if the buyer has wrongfully damaged the collateral or if, after default and demand, the buyer has wrongfully failed to make the collateral available to the seller.

(6) If the seller elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, ~~when~~ **and** under this section ~~he~~ **the seller** would not be entitled to a deficiency judgment if ~~he~~ **the seller** repossessed the collateral, and **the seller** obtains **a** judgment:

(a) ~~he~~ **the seller** may not repossess the collateral; and

(b) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

(7) The amounts of ~~one~~ **four** thousand dollars ~~($1000)~~ **($4,000)** in ~~subsection~~ **subsections** (2) and (3) are subject to change pursuant to the provisions on adjustment of dollar amounts **(IC** 24-4.5-1-106). **However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used under this subsection is the Index for October 1992.**

SECTION 16. IC 24-4.5-6-107, AS AMENDED BY P.L.140-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. (1) Except as otherwise provided, IC 4-21.5-3 governs all agency action taken by the department under this chapter or IC 24-4.5-3-501 through IC 24-4.5-3-513. All proceedings for administrative review under IC 4-21.5-3 or judicial

review under IC 4-21.5-5 shall be held in Marion County. The provisions of IC 4-22-2 prescribing procedures for the adoption of rules by agencies ~~shall~~ apply to the adoption of rules by the department of financial institutions under this article. However, if the department declares an emergency in the document containing the rule, ~~it~~ **the department** may adopt rules permitted by this chapter under IC 4-22-2-37.1.

(2) A rule under subsection (1) adopted under IC 4-22-2-37.1 expires on the date the department ~~is~~ next ~~required to issue~~ **adopts** a rule under the statute authorizing or requiring the rule.

SECTION 17. IC 24-4.5-7-102, AS AMENDED BY P.L.35-2010, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 102. (1) Except as otherwise provided, all provisions of this article applying to consumer loans, **including IC 24-4.5-3-502.2,** apply to small loans, as defined in this chapter.

(2) This chapter applies to:

(a) a lender or to any person who facilitates, enables, or acts as a conduit for any person who is or may be exempt from licensing under IC 24-4.5-3-502;

(b) a bank, savings association, credit union, or other state or federally regulated financial institution except those that are specifically exempt regarding limitations on interest rates and fees; or

(c) a person, if the department determines that a transaction is:

(i) in substance a disguised loan; or

(ii) the application of subterfuge for the purpose of avoiding this chapter.

(3) A loan that:

(a) does not qualify as a small loan under section 104 of this chapter;

(b) is for a term shorter than that specified in section 401(1) of this chapter; or

(c) is made in violation of section 201, 401, 402, 404, or 410 of this chapter;

is subject to this article. The department may conform the finance charge for a loan described in this subsection to the limitations set forth in IC 24-4.5-3-508.

SECTION 18. IC 24-5-23.6-9, AS ADDED BY P.L.115-2010, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The five star mortgage program is established. Not later than June 1, 2010, the department shall adopt guidelines to implement the program. The program established by this section, as implemented through the department's guidelines, must meet the following criteria:

(1) The program must be available on a voluntary basis to creditors that offer mortgages to Indiana customers after June 30, 2010.

(2) To participate in the program, a creditor must submit a certification, on a form prescribed by the department, attesting that the creditor qualifies as a five star mortgage lender.

(3) To qualify as a five star mortgage lender under the program, a creditor must certify, on the form described in subdivision (2), that the creditor meets the following conditions:

(A) The creditor offers or will offer to Indiana customers after June 30, 2010, at least one (1) mortgage product that qualifies as a five star mortgage under the program.

(B) The creditor does not have a record of any significant or recurring violation of:

(i) IC 24-5-23.5-7; or

(ii) any other state or federal law, regulation, or rule applicable to mortgage transactions;

as of the date of the creditor's certification. If the creditor is not certain whether it meets the criterion set forth in this clause, the creditor shall consult with the department before filing a certification to participate in the program.

(C) The creditor does not have a director or an executive officer who has been convicted of ~~or pleaded guilty or nolo contendere to~~ a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction, as of the date of the creditor's certification. If the creditor is not certain whether it meets the criterion set forth in this clause, the creditor shall consult with the department before filing a certification to participate in the program.

(4) To qualify as a five star mortgage under the program, a mortgage must include the following terms and conditions:

(A) If the mortgage involves a purchase money transaction, the mortgage must require a down payment by the debtor, or a person acting on behalf of the debtor, of at least ten percent (10%) of the purchase price of the dwelling that is the subject of the mortgage. If the mortgage involves the refinancing of an existing mortgage, the customer must have equity of at least ten percent (10%) in the dwelling that is the subject of the mortgage.

(B) The mortgage must have a fixed rate of interest.

(C) The mortgage must provide for an escrow account that:

(i) is established by the creditor, or a person acting on behalf of the creditor, for the benefit of the debtor;

(ii) is maintained by the creditor, or a person acting on behalf of the creditor, during the life of the mortgage; and

(iii) is used during the life of the mortgage to pay taxes and insurance owed with respect to the dwelling that is the subject of the mortgage.

However, this clause does not apply if, in the creditor's ordinary course of business, the creditor does not regularly establish and maintain, or contract for the establishment and maintenance of, escrow accounts for the payment of taxes and insurance, on behalf of the creditor's customers.

(D) The term of the mortgage may not exceed thirty (30) years.

(E) The mortgage may not include a prepayment penalty or fee.

(5) A creditor that qualifies as a five star mortgage lender and files a certification with the department under subdivision (3) shall provide a written statement, on a form and in the manner prescribed by the department, to any Indiana customer who:

(A) applies for a five star mortgage offered by the creditor; and

(B) does not qualify for the five star mortgage based on the creditor's underwriting standards for the five star mortgage.

The statement must set forth the reasons why the Indiana customer did not qualify for the five star mortgage.

(6) A creditor that qualifies as a five star mortgage lender and files a certification with the department may include that fact in any marketing material or solicitation directed at Indiana

customers, subject to any conditions or limitations imposed by the department in the guidelines adopted under this section.

(7) If a creditor:

(A) holds itself out as a five star mortgage lender and:

(i) the creditor has not filed an accurate certification, including any renewal certification required by the department under subsection (b)(3), with the department under this chapter; or

(ii) the creditor has filed a certification or a renewal certification with the department under this chapter and subsequently ceases offering at least one (1) mortgage product that qualifies as a five star mortgage; or

(B) fails to comply with any program requirement;

the department, upon discovering the act described in clause (A) or (B), shall immediately provide written notice to the creditor that the creditor does not qualify for participation in the program, or no longer qualifies for participation in the program, as appropriate. The notice provided under this subdivision must inform the creditor of the reason or reasons the creditor does not qualify for participation in the program, or no longer qualifies for participation in the program, as appropriate. Not later than seven (7) days after the date of the notice provided to the creditor under this subdivision, the department shall remove the creditor from the list of creditors published on the department's Internet web site under subsection (c), as appropriate, and shall post, on the same Internet web page on which the list described in subsection (c) is published, a link to the notice provided to the creditor under this subdivision.

(b) In addition to the program criteria required by subsection (a), the guidelines adopted by the department under this section may include the following:

(1) Provisions allowing a creditor that qualifies as a five star mortgage lender and files a certification with the department to include in the paperwork associated with a five star mortgage:

(A) a statement;

(B) a seal; or

(C) any other designation considered appropriate by the department;

indicating that the particular mortgage product is a five star mortgage.

(2) A requirement that a creditor that qualifies as a five star mortgage lender and files a certification with the department shall report the following information to the department on an annual basis, or any other basis determined appropriate by the department:

(A) The total number and types of residential mortgage products that were offered by the creditor to Indiana customers during the applicable reporting period, including any five star mortgages reported under clause (C).

(B) The total number of residential mortgages described in clause (A) that were closed by the creditor during the applicable reporting period, including any five star mortgages that were closed during the reporting period, as reported under clause (D).

(C) The number of mortgage products that:

(i) qualified as five star mortgages under the program; and

(ii) were offered by the creditor to Indiana customers;

during the applicable reporting period.

(D) The number of five star mortgages offered to Indiana customers that were closed by the creditor during the applicable reporting period.

(3) A requirement that a creditor that qualifies as a five star mortgage lender and files a certification with the department shall periodically submit to the department a renewal certification, on a form prescribed by the department, in conjunction with a report filed under subdivision (2), or at such other time as the department determines appropriate. In any renewal certification required under this subdivision, a creditor must attest that the creditor:

(A) continued to meet the criteria necessary to qualify as a five star mortgage lender; and

(B) complied with all program requirements;

during the applicable reporting period.

(4) A fee fixed by the department under IC 28-11-3-5 for each certification and recertification submitted by a creditor under this

chapter. However, any fee fixed by the department under this subdivision may not exceed the department's actual costs to:

(A) process certifications and renewal certifications;

(B) publish the list described in subsection (c) on the department's Internet web site; and

(C) otherwise administer the program.

(5) Any other program requirements, criteria, or incentives that the department determines necessary to implement and evaluate a program to encourage creditors to offer stable mortgage products to qualified Indiana customers.

(c) The department shall publish on the department's Internet web site a list of all creditors that have a current and accurate:

(1) certification under this chapter; or

(2) renewal certification under this chapter;

on file with the department. The Indiana housing and community development authority and the securities division of the office of the secretary of state shall provide a link to the list described in this subsection on their respective Internet web sites.

(d) The program guidelines established by the department under subsections (a) and (b) must be made available:

(1) for public inspection and copying at the offices of the department under IC 5-14-3; and

(2) on the department's Internet web site.

(e) The department shall investigate any credible complaint received by any means alleging that a creditor has committed a violation described in subsection (a)(7). If the creditor that is the subject of a complaint under this subsection is not subject to regulation by the department, the department shall forward the complaint to the appropriate state or federal regulatory agency.

(f) Notwithstanding subsection (a), the department may adopt a different name for the program, other than the five star mortgage program, in adopting the guidelines to implement the program.

SECTION 19. IC 24-7-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) In addition to the other charges permitted by this chapter, a lessor and a lessee may contract for a liability waiver fee in the following amounts:

(1) In the case of a rental purchase agreement with weekly or biweekly renewal dates, the liability waiver fee may not exceed the greater of:

(A) ten percent (10%) of a periodic lease payment due; or

(B) two dollars ($2).

(2) In the case of a rental purchase agreement with monthly renewal dates, the liability **waiver fee** may not exceed the greater of:

(A) ten percent (10%) of a periodic lease payment due; or

(B) five dollars ($5).

(b) The selling or offering for sale of a liability damage waiver under this section is subject to the following prohibitions and requirements:

(1) A lessor may not sell or offer to sell a liability damage waiver unless all restrictions, conditions, and exclusions are:

(A) printed in the rental purchase agreement, or in a separate agreement, in 8 point type or larger; or

(B) written in ink or typewritten in or on the face of the rental purchase agreement in a blank space provided therefor.

(2) The liability damage waiver may exclude only loss or damage to the property that is the subject of the rental purchase agreement caused by moisture, scratches, mysterious disappearance, vandalism, abandonment of the property, or any other damage intentionally caused by the lessee or that results from the lessee's willful or wanton misconduct.

(3) The liability damage waiver agreement must include a statement of the total charge for the liability damage waiver. The liability damage waiver agreement must display in 8 point boldface type the following:

"NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A LIABILITY DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE TO THE PROPERTY. BEFORE DECIDING WHETHER TO PURCHASE THE LIABILITY DAMAGE WAIVER, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN HOMEOWNERS OR CASUALTY INSURANCE AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL PROPERTY, AND THE AMOUNT OF

THE DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS LIABILITY DAMAGE WAIVER IS NOT MANDATORY AND MAY BE DECLINED.".

(4) The restrictions, conditions, and exclusions of the liability damage waiver must be disclosed on the agreement or on a separate agreement, sheet, or handout given to the lessee before entering into the rental purchase agreement. The separate contract, sheet, or handout must be signed or otherwise acknowledged by the lessee as being received before entering into the rental purchase agreement.

(5) The lessor shall keep and maintain records as prescribed by the director of the department. The director of the department may inspect the records and determine whether the rates charged under this section are fair and reasonable.

SECTION 20. IC 24-7-7-2, AS AMENDED BY P.L.35-2010, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person subject to this article shall make the books and records of the person reasonably available for inspection by the department or the department's representative. At a minimum, every lessor shall keep a record of all payments remitted by the lessee on a rental purchase agreement, including the following:

(1) The name of the lessee.

(2) The date of each transaction.

(3) The total amount of each payment.

(4) A breakdown of each payment reflecting:

(A) each type of charge; and

(B) the amount of each type of charge.

The method of maintaining this data is at the discretion of the lessor, if hard copies of the required data are readily available. The record keeping system of the lessor shall be made available in Indiana for examination. The director shall determine the sufficiency of the records and whether the lessor has made the required information reasonably available.

(b) In administering this article and in order to determine compliance with this article, the department or the department's representative may examine the books and records of persons subject to the article and may make investigations of persons necessary to

determine compliance. For this purpose, the department may administer oaths or affirmations, and, upon the department's own motion or upon request of any party, may subpoena witnesses, compel their attendance, compel testimony, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(c) If the person's records are located outside Indiana, the person shall, at the person's option, either make them available to the department at a convenient location in Indiana, or pay the reasonable and necessary expenses for the department or the department's representative to examine them at the place where they are maintained. The department may designate representatives, including comparable officials of the state in which the records are located, to inspect them on the department's behalf.

(d) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the department may apply to a court for an order compelling compliance.

(e) The department may not make public the name or identity of a person whose acts or conduct the department investigates under this section or the facts disclosed in the investigation, but this subsection does not apply to disclosures in actions or enforcement proceedings under this article.

(f) A lessor shall use generally accepted accounting principles and practices in keeping books and records so that the department or the department's representative may determine if the lessor is in compliance with this article or a rule adopted under this article.

(g) A lessor shall keep the lessor's books and records that pertain to a rental purchase agreement for at least two (2) years after the rental purchase agreement has terminated.

(h) To discover violations of this article or to secure information necessary for the enforcement of this article, the department may investigate:

(1) any person subject to this article; and

(2) any person that the department suspects to be operating in violation of article.

The department has all investigatory and enforcement authority under this article that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5.

~~(h)~~ **(i)** If a lessor contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the lessor and be subject to the department's routine examination procedures, the person that provides the service to the lessor shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any lessor that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 21. IC 24-7-8-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) Subject to subsection (b), a lessor required to file notification and pay fees under this chapter may conduct other business, including offering for sale to members of the general public:**

(1) property and services that were or may be the subject of a rental purchase agreement under this article; and

(2) property or services that are unrelated or only partially or indirectly related to the lessor's rental purchase agreement business;

at the location where the lessor enters into rental purchase agreements with lessees unless the lessor carries on other business for the purpose of evasion or circumvention of this article.

(b) A lessor may offer for sale to a lessee or prospective lessees the property or services described in subsection (a) at the location

where the lessor enters into rental purchase agreements as provided under subsection (a) only if all the following conditions are met:

(1) The lessor:

(A) does not require that the lessee or prospective lessee purchase the property or services as a condition to entering into a rental purchase agreement;

(B) does not require that any purchaser or prospective purchaser of the property or services enter into a rental purchase agreement as a condition to purchasing the property or services; and

(C) clearly discloses in writing to the lessee or prospective lessee before the purchase is completed that:

(i) the purchase of the property or services is not a condition to entering into a rental purchase agreement; and

(ii) entering into a rental purchase agreement is not a condition to purchasing the property or services.

(2) The lessor does not charge the lessee or prospective lessee more for the property or services than the lessor charges members of the general public for the property or services.

(3) The transaction for the purchase of the property or services is conducted separately from any rental purchase agreement, and the cost for purchasing the property or services is not made a part of any rental purchase agreement.

(c) If a lessor offers for sale the property or services described in subsection (a) to lessees or prospective lessees in compliance with the conditions set forth in subsection (b), the business is not considered as being conducted for the purpose of evasion or circumvention of this article.

(d) This section does not relieve a lessor from:

(1) obtaining licenses, permits, authorizations, or consents required by law;

(2) filing or providing notifications as required by law; or

(3) otherwise complying with any other statute, rule, regulation, or ordinance of:

(A) this state;

(B) the United States; or

(C) any governmental unit of this state or the United States;

applicable to a lessor or the lessor's business activities permitted by this section.

SECTION 22. IC 28-1-1-3, AS AMENDED BY P.L.27-2012, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Unless a different meaning is required by the context, the following definitions apply throughout this article:

(1) "Financial institution" means any bank, trust company, corporate fiduciary, savings association, credit union, savings bank, bank of discount and deposit, or industrial loan and investment company organized or reorganized under the laws of this state, and includes licensees under IC 24-4.4, ~~and~~ IC 24-4.5, **and 750 IAC 9.**

(2) "Bank" or "bank or trust company" means a financial institution organized or reorganized as a bank, bank of discount and deposit, or trust company under the laws of this state with the express power to receive and accept deposits of money subject to withdrawal by check, and possessing such other rights and powers granted by the provisions of this article in express terms or by implication. The term "bank" or "bank or trust company" does not include a savings association, credit union, or industrial loan and investment company.

(3) "Domestic corporation" means a corporation formed under the laws of this state, and "foreign corporation" means every other corporation.

(4) "Articles of incorporation" includes both the original articles of incorporation and any and all amendments thereto, except where the original articles of incorporation only are expressly referred to, and includes articles of merger and consolidation, and, in the case of corporations organized before July 1, 1933, articles of reorganization, and all amendments thereto.

(5) "Incorporator" means one (1) of the signers of the original articles of incorporation.

(6) "Subscriber" means one who subscribes for shares of stock in a financial institution.

(7) "Shareholder" means one who is a holder of record of shares of stock in a financial institution.

(8) "Capital stock" means the aggregate amount of the par value of all shares of capital stock.
(9) "Capital" means the aggregate amount paid in on the shares of capital stock of a financial institution issued and outstanding.
(10) "Capital and surplus" or "unimpaired capital and unimpaired surplus" has the meaning set forth in 12 CFR 32.2.
(11) "Assets" includes all of the property and rights of every kind of a financial institution, and the term "fixed assets" means such assets as are not intended to be sold or disposed of in the ordinary course of business.
(12) "Principal office" means that office maintained by the financial institution in this state, the address of which is required by the provisions of this article to be kept on file in the office of the secretary of state.
(13) "Subscription" means any written agreement or undertaking, accepted by a financial institution, for the purchase of shares of capital stock in the financial institution.
(14) "Department" means the department of financial institutions.
(15) "Member" means a member of the department of financial institutions.
(16) "Branch" means any office, agency, mobile unit, messenger service, or other place of business at which deposits are received, checks paid, or money lent. The term does not include:
(A) the principal office of a bank;
(B) the principal office of an affiliate;
(C) a branch of an affiliate;
(D) an automated teller machine;
(E) a night depository;
(F) a temporary facility authorized in IC 28-2-13-22.5;
(G) a loan production office;
(H) a deposit production office; or
(I) other service delivery mechanisms not considered by the director to be a branch.
(17) "Subsidiary" means any foreign or domestic corporation or limited liability company in which the parent bank, savings bank, savings association, or industrial loan and investment company had at least eighty percent (80%) ownership before July 1, 1999,

or is formed or acquired in accordance with IC 28-13-16 after June 30, 1999.

(18) "Savings bank" means a financial institution that:

(A) was organized, reorganized, or operating under IC 28-6 (before its repeal) before January 1, 1993;

(B) is formed as the result of a conversion under:

(i) IC 28-1-21.7;

(ii) IC 28-1-21.8;

(iii) IC 28-1-21.9; or

(iv) IC 28-1-30; or

(C) is incorporated under IC 28-12.

(19) "Corporate fiduciary" means a financial institution whose primary business purpose is to engage in the trust business (as defined in IC 28-14-1-8) and the execution and administration of fiduciary accounts as a nondepository trust company incorporated under Indiana law.

SECTION 23. IC 28-1-7.5-4, AS AMENDED BY P.L.217-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The bank, trust company, corporate fiduciary, or stock savings bank and the holding company shall file with the department three (3) copies of the plan of exchange certified by an officer of each as having been approved in accordance with section 3 of this chapter. They shall also file a statement which includes:

(1) information as to the earnings and financial condition of the bank, trust company, corporate fiduciary, or stock savings bank as of the end of its last preceding year as filed with the department, and similar information, to the extent readily available, as of a date not earlier than one hundred twenty (120) days before the filing of the plan of exchange;

(2) a balance sheet of the holding company as of the date of the most recent statement of condition of the bank, trust company, corporate fiduciary, or stock savings bank required by subdivision (1);

(3) a pro forma balance sheet of the holding company based on the assumption that the plan of exchange was effective as proposed at the date of the balance sheet of the holding company required by subdivision (2);

(4) a description of the business intended to be done by the holding company and of any plans or proposals that the holding company may have to sell its assets or merge or consolidate with any other person, or to make any other material change in its investment policy, business, corporate structures, or management;

(5) a list of all persons who are or who have been selected to become directors or officers of the holding company, a description of their principal occupations, a list of all offices and positions held by them during the past five (5) years, and information about whether any of them:

(A) is under indictment for; **or**

(B) has been convicted of; ~~or~~

~~(C) has pleaded guilty or nolo contendere to;~~

a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.

(6) a description of any plans or proposals that the holding company may have to liquidate the bank, trust company, corporate fiduciary, or stock savings bank to sell its assets or merge or consolidate it with any person, or to make any other material change in its investment policy, business, corporate structure, or management;

(7) a copy of a preliminary proxy or information statement prepared for distribution to the shareholders of the bank, trust company, corporate fiduciary, or stock savings bank setting forth all material facts relating to the holding company and the proposed plan of exchange; and

(8) such other information as the director may prescribe.

(b) The statement must:

(1) assert the completeness and accuracy of the information referred to in subsection (a)(1) through (a)(8); and

(2) be made under oath or affirmation by an officer of the bank, trust company, corporate fiduciary, or stock savings bank and an officer of the holding company.

If any material change occurs in the facts set forth in the statement filed with the department, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the department within five (5) business days after the parties learn of the change.

SECTION 24. IC 28-1-29-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) As used in this section, "Nationwide Mortgage Licensing System and Registry" or "NMLSR" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of creditors, mortgage loan originators, and other financial services entities and their employees and agents.**

(b) Subject to subsection (g), the director may designate the NMLSR to serve as the sole entity responsible for:

(1) processing applications and renewals for licenses under this chapter;

(2) issuing unique identifiers for licensees and entities exempt from licensing under this chapter; and

(3) performing other services that the director determines are necessary for the orderly administration of the department's licensing system under this chapter.

(c) Subject to the confidentiality provisions contained in IC 5-14-3 and this section, the director shall regularly report significant or recurring violations of this chapter to the NMLSR.

(d) Subject to the confidentiality provisions contained in IC 5-14-3 and this section, the director may report complaints received regarding licensees under this chapter to the NMLSR.

(e) The director may report publicly adjudicated licensure actions against a licensee to the NMLSR.

(f) The director shall establish a process by which licensees may challenge information reported to the NMLSR by the department.

(g) The director's authority to designate the NMLSR under subsection (b) is subject to the following:

(1) Information stored in the NMLSR is subject to the confidentiality provisions of IC 5-14-3. A person may not:

(A) obtain information from the NMLSR, unless the person is authorized to do so by statute;

(B) initiate any civil action based on information obtained from the NMLSR if the information is not otherwise available to the person under any other state law; or

(C) initiate any civil action based on information obtained from the NMLSR if the person could not have initiated the action based on information otherwise available to the person under any other state law.

(2) Documents, materials, and other forms of information in the control or possession of the NMLSR that are confidential under state or federal law and that are:

(A) furnished by the director, the director's designee, or a licensee; or

(B) otherwise obtained by the NMLSR;

are confidential and privileged by law and are not subject to inspection under IC 5-14-3, subject to subpoena, subject to discovery, or admissible in evidence in any civil action. However, the director may use the documents, materials, or other information available to the director in furtherance of any action brought in connection with the director's duties under this chapter.

(3) Disclosure of documents, materials, and information:

(A) to the director; or

(B) by the director;

under this subsection does not result in a waiver of any applicable privilege or claim of confidentiality with respect to the documents, materials, or information.

(4) Information provided to the NMLSR is subject to IC 4-1-11.

(5) This subsection does not limit or impair a person's right to:

(A) obtain information;

(B) use information as evidence in a civil action or proceeding; or

(C) use information to initiate a civil action or proceeding;

if the information may be obtained from the director or the director's designee under any law.

(6) The requirements under any federal law or IC 5-14-3 regarding the privacy or confidentiality of any information or material provided to the NMLSR, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to the information or material, continue to apply to the information or material after the

information or material has been disclosed to the NMLSR. The information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or IC 5-14-3.

(7) For purposes of this section, the director may enter agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, or other associations representing governmental agencies, as established by rule or order of the director.

(8) Information or material that is subject to a privilege or confidentiality under subdivision (6) is not subject to:

(A) disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(B) subpoena, discovery, or admission into evidence in any private civil action or administrative process, unless with respect to any privileged information or material held by the NMLSR, the person to whom the information or material pertains waives, in whole or in part, in the discretion of the person, that privilege.

(9) Any provision of IC 5-14-3 that concerns the disclosure of:

(A) confidential supervisory information; or

(B) any information or material described in subdivision (6);

and that is inconsistent with subdivision (6) is superseded by this section.

(10) This section does not apply with respect to information or material that concerns the employment history of, and publicly adjudicated disciplinary and enforcement actions against, a person described in section 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter and that is included in the NMLSR for access by the public.

(11) The director may require a licensee required to submit information to the NMLSR to pay a processing fee considered reasonable by the director. In determining whether the NMLSR processing fee is reasonable, the director shall:

(A) require review of; and

(B) make available;

the audited financial statements of the NMLSR.

(12) Notwithstanding any other provision of law, any:

(A) application, renewal, or other form or document that:

(i) relates to licenses issued under this chapter; and

(ii) is made or produced in an electronic format;

(B) document filed as an electronic record in a multistate automated repository established and operated for the licensing or registration of financial services entities and their employees; or

(C) electronic record filed through the NMLSR;

is considered a valid original document when reproduced in paper form by the department.

SECTION 25. IC 28-1-29-10.5, AS ADDED BY P.L.35-2010, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. (a) A licensee shall maintain in the licensee's business any books, accounts, and records that enable the department to determine whether the licensee is complying with this chapter. The books, accounts, and records shall be preserved for at least two (2) years after making the final entry of any agreement recorded in the books, accounts, and records. A licensee is subject to IC 28-1-2-30.5 with respect to any records maintained by the licensee.

(b) In administering this chapter and in order to determine whether this chapter is being complied with by a person engaging in acts subject to this chapter, the department may examine the records of a person and may make investigations of a person as necessary to determine compliance. Records subject to examination under this section include the following:

(1) Training, operating, and policy manuals.

(2) Minutes of:

(A) management meetings; and

(B) other meetings.

(3) Other records that the department determines are necessary to perform the department's investigation or examination.

(c) The department may also administer oaths or affirmations, subpoena witnesses, compel a witness's attendance, adduce evidence,

and require the production of any matter that is relevant to the investigation. The department shall determine whether:

(1) the records maintained are sufficient; and

(2) the person has made the required information reasonably available.

(d) If the department:

(1) investigates; or

(2) examines the books and records of;

a person that is subject to this chapter, the person shall pay all reasonably incurred costs of the investigation or examination in accordance with the fee schedule adopted by the department under IC 28-11-3-5. Any costs required to be paid under this subsection shall be paid not later than sixty (60) days after the person receives a notice from the department of the costs being assessed. The department may impose a fee, in an amount fixed by the department under IC 28-11-3-5, for each day that the assessed costs are not paid, beginning on the first day after the sixty (60) day period described in this subsection.

(e) The department shall be given free access to the records wherever located. If the person's records are located outside Indiana, at the discretion of the director, the records shall be made available to the department at a convenient location within Indiana, or the person shall pay the reasonable and necessary expenses for the department or the department's representative to examine the records where the records are maintained.

(f) If a person fails to:

(1) obey a subpoena without a lawful excuse; or

(2) give testimony;

the department may apply to a civil court for an order compelling compliance.

(g) The department shall not make public the name or identity of a person whose acts or conduct the department investigates under this section or the facts disclosed in the investigation. However, this subsection does not apply to disclosures of enforcement proceedings under this chapter.

(h) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

(1) licensee; or

(2) person that the department suspects to be operating:

(A) without a license, when a license is required under this chapter; or

(B) otherwise in violation of chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5.

~~(h)~~ **(i)** The department may:

(1) enter into a cooperative arrangement with another federal or state agency having authority over debt management companies; and

(2) exchange with the agency information about a person subject to this chapter, including information obtained during an examination of the person.

~~(i)~~ **(j)** If a person doing business as a debt management company contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the person doing business as a debt management company and be subject to the department's routine examination procedures, the person that provides the service to the person doing business as a debt management company shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any person doing business as a debt management company that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person refusing the examination; or

(2) otherwise cease conducting business with the person refusing the examination.

SECTION 26. IC 28-7-1-0.5, AS AMENDED BY P.L.35-2010, SECTION 147, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Automated teller machine" (ATM) means a piece of unmanned electronic or mechanical equipment that performs routine financial transactions for authorized individuals.

(2) "Branch office" means an office, agency, or other place of business at which deposits are received, share drafts are paid, or money is lent to members of a credit union. The term does not include:

(A) the principal office of a credit union;

(B) the principal office of a credit union affiliate;

(C) a branch office of a credit union affiliate;

(D) an automated teller machine; or

(E) a night depository.

(3) "Credit union" is a cooperative, nonprofit association, incorporated under this chapter, for the purposes of educating its members in the concepts of thrift and to encourage savings among its members. A credit union should provide a source of credit at a fair and reasonable rate of interest and provide an opportunity for its members to use and control their own money in order to improve their economic and social condition.

(4) "Department" refers to the department of financial institutions.

(5) "Surplus" means the credit balance of undivided earnings after losses. The term does not include statutory reserves.

(6) "Unimpaired shares" means paid in shares less any losses for which no reserve exists and for which there is no charge against undivided earnings.

(7) "Related credit union service organization" means, in reference to a credit union, a credit union service organization (as defined and formed under Part 712 of the regulations of the National Credit Union Administration, 12 CFR 712) in which the credit union has invested under section 9(a)(4) of this chapter.

(8) "Premises" means any office, branch office, suboffice, service center, parking lot, real estate, or other facility where the credit union transacts or will transact business.

(9) "Furniture, fixtures, and equipment" means office furnishings, office machines, computer hardware, computer software, automated terminals, and heating and cooling equipment.

(10) "Fixed assets" means:

(A) premises; and

(B) furniture, fixtures, and equipment.

(11) "Audit period" means a twelve (12) month period designated by the board of directors of a credit union.

(12) "Community" means:

(A) a second class city;

(B) a third class city;

(C) a town;

(D) a county other than a county containing a consolidated city;

(E) a census tract;

(F) a township; or

(G) any other municipal corporation (as defined in IC 36-1-2-10).

(13) "Control of a related interest" refers to a situation in which an individual directly or indirectly, or through or in concert with one (1) or more other individuals, possesses any of the following:

(A) The ownership of, control of, or power to vote at least twenty-five percent (25%) of any class of voting securities of the related interest.

(B) The control in any manner of the election of a majority of the directors of the related interest.

(C) The power to exercise a controlling influence over the management or policies of the related interest. For purposes of this clause, an individual is presumed to have control, including the power to exercise a controlling influence over the management or policies of a related interest, if the individual:

(i) is an executive officer or a director of the related interest and directly or indirectly owns, controls, or has the power to vote more than ten percent (10%) of any class of voting securities of the related interest; or

(ii) directly or indirectly owns, controls, or has the power to vote more than ten percent (10%) of any class of voting securities of the related interest and no other person owns, controls, or has the power to vote a greater percentage of that class of voting securities.

(14) "Executive officer" includes any of the following officers of a credit union:

(A) The chairman of the board of directors.

(B) The president.

(C) A vice president.

(D) The cashier.

(E) The secretary.

(F) The treasurer.

(15) "Immediate family", for purposes of ~~section~~ **sections** 17.1 **and 17.2** of this chapter, means the spouse of an individual, the individual's minor children, and any of the individual's children, including adults, residing in the individual's home.

(16) "Officer" means any individual who is not solely a director or committee member and participates or has the authority to participate in major policymaking functions of a credit union, regardless of whether:

(A) the individual has an official title;

(B) the individual's title designates the individual as an assistant; or

(C) the individual is serving without salary or other compensation.

(17) "Related interest", with respect to an individual, means:

(A) a partnership, a corporation, or another business organization that is controlled by the individual; or

(B) a political campaign committee:

(i) controlled by the individual; or

(ii) the funds or services of which benefit the individual.

(18) Except as provided in section 9(a)(4) of this chapter, "capital and surplus" means the sum of:

(A) undivided profits;

(B) reserve for contingencies;

(C) regular reserve; and

(D) allowance for loan and lease losses.

SECTION 27. IC 28-7-1-9, AS AMENDED BY P.L.27-2012, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A credit union has the following powers:

(1) To issue shares of its capital stock to its members. No commission or compensation shall be paid for securing members or for the sale of shares.

(2) To make loans to officers, directors, or committee members under sections 17.1 and 17.2 of this chapter.

(3) To invest in any of the following:

(A) Bonds, notes, or certificates that are the direct or indirect obligations of the United States, or of the state, or the direct obligations of a county, township, city, town, or other taxing district or municipality or instrumentality of Indiana and that are not in default.

(B) Bonds or debentures issued by the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449) or the Home Owners' Loan Act (12 U.S.C. 1461 through 1468).

(C) Obligations of national mortgage associations issued under the authority of the National Housing Act.

(D) Mortgages on real estate situated in Indiana which are fully insured under Title 2 of the National Housing Act (12 U.S.C. 1707 through 1715z).

(E) Obligations issued by farm credit banks and banks for cooperatives under the Farm Credit Act of 1971 (12 U.S.C. 2001 through 2279aa-14).

(F) Savings and loan associations, other credit unions that are insured under section 31.5 of this chapter, and certificates of indebtedness or investment of an industrial loan and investment company if the association or company is federally insured. Not more than twenty percent (20%) of the assets of a credit union may be invested in the shares or certificates of an association or company, nor more than forty percent (40%) in all such associations and companies.

(G) Corporate credit unions.

(H) Federal funds or similar types of daily funds transactions with other financial institutions.

(I) Shares or certificates of an open-end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 through 15 U.S.C. 80a-3 and 15 U.S.C.

80a-4 through 15 U.S.C. 80a-64), if all of the following conditions are met:

(i) The fund's assets consist of and are limited to securities in which a credit union may invest directly.

(ii) The credit union has an equitable and undivided interest in the underlying assets of the fund.

(iii) The credit union is not liable for acts or obligations of the fund.

(iv) The credit union's investment in any one (1) fund does not exceed fifteen percent (15%) of the amount of the credit union's net worth.

(J) For a credit union that is well capitalized (as defined in Part 702 of the Rules and Regulations of the National Credit Union Administration, 12 CFR 702), investment securities, as may be defined by a statute or a policy or rule of the department and subject to the following:

(i) The department may prescribe, by policy or rule, limitations or restrictions on a credit union's investment in investment securities.

(ii) The total **aggregate** amount of ~~any~~ investment securities purchased or held by a credit union may never exceed at any given time ten percent (10%) of the capital and surplus of the credit union. However, the limitations imposed by this item do not apply to investments in the direct or indirect obligations of the United States or in the direct obligations of a United States territory or insular possession, or in the direct obligations of the state or any municipal corporation or taxing district in Indiana.

(iii) A credit union may not purchase for its own account any bond, note, or other evidence of indebtedness that is commonly designated as a security that is speculative in character or that has speculative characteristics. For the purposes of this item, a security is speculative or has speculative characteristics if at the time of purchase the security is in default, is rated below the first four (4) rating classes by a generally recognized security rating service, or is otherwise considered speculative by the director.

(iv) A credit union may purchase for its own account a security that is not rated by a generally recognized security rating service if the credit union at the time of purchase obtains financial information that is adequate to document the investment quality of the security and if the security is not otherwise considered speculative by the director.

(v) A credit union that purchases a security for its own account shall maintain sufficient records of the security to allow the security to be properly identified by the department for examination purposes.

(vi) Except as otherwise authorized by this title, a credit union may not purchase any share of stock of a corporation. If a credit union possesses stock or another equity investment as a result of a loan default, the credit union shall dispose of the investment within a reasonable period that does not exceed one (1) year or a longer period if approved by the department.

(vii) Subject to items (i) through (iv), a credit union may purchase yankee dollar deposits, eurodollar deposits, banker's acceptances, deposit notes, bank notes with original weighted average maturities of less than five (5) years, and investments in obligations of, or issued by, any state or political subdivision (including any agency, corporation, or instrumentality of a state or political subdivision).

(K) Collateralized obligations that are eligible for purchase and sale by federal credit unions. However, a credit union may purchase for its own account and sell the obligations only to the extent that a federal credit union can purchase and sell those obligations.

(4) With the prior approval of the department, and subject to the limitations of this subsection, a credit union may organize, invest in, or loan money to a credit union service organization (as defined in Part 712 of the regulations of the National Credit Union Administration, 12 CFR 712). A credit union may not loan or invest in a credit union service organization if the aggregate amount of all such loans or investments in a particular credit union service organization is greater than ten percent (10%) of the capital, surplus, and unimpaired shares of the credit union without

the prior written approval of the department. A credit union may organize, invest in, or loan money to a credit union service organization described in this subdivision only if the following requirements are met:

(A) The credit union service organization is adequately capitalized or has a reasonable plan for adequate capitalization if the credit union service organization is to be formed or is newly formed.

(B) The credit union service organization is structured and operated as a separate legal entity from the credit union.

(C) The credit union obtains a written legal opinion that the credit union service organization is structured and operated in a manner that limits the credit union's potential liability for the debts and liabilities of the credit union service organization to not more than the loss of money invested in or loaned to the credit union service organization by the credit union.

(D) The credit union service organization agrees in writing to prepare financial statements and provide the financial statements to the credit union at least quarterly, and to the department upon request.

(E) The credit union service organization agrees in writing to obtain an audit of the credit union service organization from a certified public accountant at least annually and provide a copy of each audit report to the credit union, and to the department upon request. A wholly owned credit union service organization is not required to obtain a separate annual audit if the credit union service organization is included in the annual consolidated audit of the credit union that is the credit union service organization's parent.

(F) The credit union service organization operates in compliance with all applicable federal and state laws.

(5) To deposit its funds into:

(A) depository institutions that are federally insured; or

(B) state chartered credit unions that are privately insured by an insurer approved by the department.

(6) To purchase, hold, own, or convey real estate as may be conveyed to the credit union in satisfaction of debts previously

contracted or in exchange for real estate conveyed to the credit union.

(7) To own, hold, or convey real estate as may be purchased by the credit union upon judgment in its favor or decrees of foreclosure upon mortgages.

(8) To issue shares of stock and upon the terms, conditions, limitations, and restrictions and with the relative rights as may be stated in the bylaws of the credit union, but no stock may have preference or priority over the other to share in the assets of the credit union upon liquidation or dissolution or for the payment of dividends except as to the amount of the dividends and the time for the payment of the dividends as provided in the bylaws.

(9) To charge the member's share account for the actual cost of a necessary locator service when the member has failed to keep the credit union informed about the member's current address. The charge shall be made only for amounts paid to a person or concern normally engaged in providing such service, and shall be made against the account or accounts of any one (1) member not more than once in any twelve (12) month period.

(10) To transfer to an accounts payable account, a dormant account, or a special account share accounts which have been inactive, except for dividend credits, for a period of at least two (2) years. The credit union shall not consider the payment of dividends on the transferred account.

(11) To invest in fixed assets with the funds of the credit union. An investment in fixed assets in excess of five percent (5%) of its assets is subject to the approval of the department. A credit union may rent excess space at the credit union's main office or branch as a source of income.

(12) To establish branch offices, upon approval of the department, provided that all books of account shall be maintained at the principal office.

(13) To pay an interest refund on loans proportionate to the interest paid during the dividend period by borrowers who are members at the end of the dividend period.

(14) To purchase life savings and loan protection insurance for the benefit of the credit union and its members, if:

(A) the coverage is placed with an insurance company licensed to do business in Indiana; and

(B) no officer, director, or employee of the credit union personally benefits, directly or indirectly, from the sale or purchase of the coverage.

(15) To sell and cash negotiable checks, travelers checks, and money orders for members.

(16) To purchase members' notes from any liquidating credit union, with written approval from the department, at prices agreed upon by the boards of directors of both the liquidating and the purchasing credit unions. However, the aggregate of the unpaid balances of all notes of liquidating credit unions purchased by any one (1) credit union shall not exceed ten percent (10%) of the purchasing credit union's capital and surplus unless special written authorization has been granted by the department.

(17) To exercise such incidental powers necessary or requisite to enable it to carry on effectively the business for which it is incorporated.

(18) To act as a custodian or trustee of any trust created or organized in the United States and forming part of a tax advantaged savings plan which qualifies or qualified for specific tax treatment under Section 223, 401(d), 408, 408A, or 530 of the Internal Revenue Code, if the funds of the trust are invested only in share accounts or insured certificates of the credit union.

(19) To issue shares or insured certificates to a trustee or custodian of a pension plan, profit sharing plan, or stock bonus plan which qualifies for specific tax treatment under Sections 401(d) or 408(a) of the Internal Revenue Code.

(20) To exercise any rights and privileges that are:

(A) granted to federal credit unions; but

(B) not authorized for credit unions under the Indiana Code (except for this section) or any rule adopted under the Indiana Code;

if the credit union complies with section 9.2 of this chapter.

(21) To sell, pledge, or discount any of its assets. However, a credit union may not pledge any of its assets as security for the safekeeping and prompt payment of any money deposited, except

that a credit union may, for the safekeeping and prompt payment of money deposited, give security as authorized by federal law.

(22) To purchase assets of another credit union and to assume the liabilities of the selling credit union.

(23) To act as a fiscal agent of the United States and to receive deposits from nonmember units of the federal, state, or county governments, from political subdivisions, and from other credit unions upon which the credit union may pay varying interest rates at varying maturities subject to terms, rates, and conditions that are established by the board of directors. However, the total amount of public funds received from units of state and county governments and political subdivisions that a credit union may have on deposit may not exceed twenty percent (20%) of the total assets of that credit union, excluding those public funds.

(24) To join the National Credit Union Administration Central Liquidity Facility.

(25) To participate in community investment initiatives under the administration of organizations:

(A) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; and

(B) located or conducting activities in communities in which the credit union does business.

Participation may be in the form of either charitable contributions or participation loans. In either case, disbursement of funds through the administering organization is not required to be limited to members of the credit union. Total contributions or participation loans may not exceed one-tenth of one percent (0.1%) of total assets of the credit union. A recipient of a contribution or loan is not considered qualified for credit union membership. A contribution or participation loan made under this subdivision must be approved by the board of directors.

(26) To establish and operate an automated teller machine (ATM):

(A) at any location within Indiana; or

(B) as permitted by the laws of the state in which the automated teller machine is to be located.

(27) To demand and receive, for the faithful performance and discharge of services performed under the powers vested in the credit union by this article:

(A) reasonable compensation, or compensation as fixed by agreement of the parties;

(B) all advances necessarily paid out and expended in the discharge and performance of its duties; and

(C) unless otherwise agreed upon, interest at the legal rate on the advances referred to in clause (B).

(28) Subject to any restrictions the department may impose, to become the owner or lessor of personal property acquired upon the request and for the use of a member and to incur additional obligations as may be incident to becoming an owner or lessor of such property.

(b) A credit union shall maintain files containing credit and other information adequate to demonstrate evidence of prudent business judgment in exercising the investment powers granted under this chapter or by rule, order, or declaratory ruling of the department.

(c) Subject to any limitations or restrictions that the department or a federal regulator may impose by regulation, rule, policy, or guidance, a credit union may purchase and hold life insurance as follows:

(1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the credit union's board of directors.

(2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the credit union's board of directors.

(3) Life insurance on the lives of borrowers.

(4) Life insurance held as security for a loan.

(5) Life insurance that a federal credit union may purchase or hold under 12 CFR 701.19(c).

SECTION 28. IC 28-7-1-18, AS AMENDED BY P.L.35-2010, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) The supervisory committee shall cause the share and loan accounts of the members to be verified with the records of the treasurer at least each biennium.

(b) The supervisory committee shall supervise the acts of the board of directors, credit committee, and officers.

(c) By a majority vote, the supervisory committee may call a meeting of the shareholders to consider any violation of this chapter, or of the bylaws, or any practice of the credit union which, in the opinion of the committee is unsafe and unauthorized.

(d) The supervisory committee shall fill vacancies in its own number until the next annual meeting of the members.

(e) At the close of the audit period, the supervisory committee shall make or cause to be made a thorough audit of the credit union for each audit period and shall make a full report to the directors. The audit **report** shall be ~~made at any time during the~~ **issued not later than** one hundred twenty (120) days following the close of the audit period. Tapes, work papers, schedules, and evidence of verification of accounts shall be retained until the next examination by the department. A summary of the report shall be read at the annual meeting and shall be filed and preserved with the records of the credit union.

(f) A credit union with assets of at least five million dollars ($5,000,000) shall have an annual audit performed by an outside professional accounting firm. The department may require a professional outside audit to be performed upon any credit union ~~when~~ **if** the department questions the safety and soundness of the credit union.

(g) Minutes of every meeting of the supervisory committee shall be kept and maintained.

SECTION 29. IC 28-7-5-2, AS AMENDED BY P.L.90-2008, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. In this chapter, unless the context otherwise requires:

"Director" refers to the director of the department.

"Pawn" means lending money on the deposit or pledge of personal property, or purchasing personal property on the condition of selling the property back again at a stipulated price, with the condition indicated verbally, in a written agreement, or in any other form indicating that the seller may repurchase the personal property sold. For purposes of this chapter, "personal property" does not include general intangibles, accounts (including deposit accounts), chattel paper, commercial tort claims, documents, instruments, investment property, letter-of-credit

rights, letters of credit, money, or oil, gas, or other minerals before extraction.

"Pawnbroker" means any person, partnership, association, limited liability company, or corporation ~~lending money on the deposit or pledge of personal property, or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, other than choses in action, securities, or printed evidence of indebtedness.~~ **that engages in the pawn business.**

"Pledge" means personal property deposited with a pawnbroker as security for a loan.

"Pledger" means the person who delivers personal property into the possession of a pawnbroker as security for a loan. ~~unless such~~ **However, if the** person **delivering the personal property into the possession of the pawnbroker** discloses that the person is ~~or was~~ acting for another, ~~and in such event~~ "pledger" means the disclosed principal.

"Department" means the department of financial institutions.

"Person" means any individual, limited liability company, sole proprietorship, partnership, trust, joint venture, corporation, unincorporated organization, or other form of entity, however organized.

"Month" means a period extending from a given date in one (1) calendar month to the like date in the succeeding calendar month or, if there is no such like date, then to the last day of the succeeding calendar month. For purposes of this chapter, each month is considered to have thirty (30) days.

SECTION 30. IC 28-7-5-4, AS AMENDED BY P.L.216-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Application for a pawnbroker's license shall be submitted on a form prescribed by the director and must include all information required by the director. An application submitted under this section must identify the location or locations at which the applicant proposes to engage in business as a pawnbroker in Indiana. If any business, other than the business of acting as a pawnbroker under this chapter, will be conducted by the applicant or another person at any location identified under this subsection, the applicant shall indicate for each location at which another business will be conducted:

(1) the nature of the other business;

(2) the name under which the other business operates;

(3) the address of the principal office of the other business;

(4) the name and address of the business's resident agent in Indiana; and

(5) any other information the director may require.

(b) An application submitted under this section must indicate whether any individual described in section 8(a)(2) or 8(a)(3) of this chapter at the time of the application:

(1) is under indictment for a felony under the laws of Indiana or any other jurisdiction; or

(2) has been convicted of ~~or pleaded guilty or nolo contendere to~~ a felony under the laws of Indiana or any other jurisdiction.

(c) The director may request that the applicant provide evidence of compliance with this section at:

(1) the time of application;

(2) the time of renewal of a license; or

(3) any other time considered necessary by the director.

(d) For purposes of subsection (c), evidence of compliance with this section may include:

(1) criminal background checks, including a national criminal history background check (as defined in IC 10-13-3-12) by the Federal Bureau of Investigation for any individual described in subsection (b);

(2) credit histories; and

(3) other background checks considered necessary by the director.

If the director requests a national criminal history background check under subdivision (1) for an individual described in that subdivision, the director shall require the individual to submit fingerprints to the department or to the state police department, as appropriate, at the time evidence of compliance is requested under subsection (c). The individual to whom the request is made shall pay any fees or costs associated with the fingerprints and the national criminal history background check. The national criminal history background check may be used by the director to determine the individual's compliance with this section. The director or the department may not release the results of the national criminal history background check to any private entity.

SECTION 31. IC 28-7-5-16, AS AMENDED BY P.L.222-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) The licensee shall keep and use in the licensee's business such books, accounts, and records as will enable the department to determine whether the licensee is complying with this chapter and with the rules adopted by the department under this chapter. Every licensee shall preserve such books, accounts, and records, including cards used in the card system for at least two (2) years after making the final entry on any loan recorded therein. The books and records of the licensee shall be kept so that the pawnbroking business transacted in Indiana may be readily separated and distinguished from the business of the licensee transacted elsewhere and from any other business in which the licensee may be engaged. To determine whether the licensee is complying with this chapter and with rules adopted by the department under this chapter, the department may examine the books, accounts, and records required to be kept by the licensee under this subsection. If the department examines the books, accounts, and records of the licensee under this subsection, the licensee shall pay all reasonably incurred costs of the examination in accordance with the fee schedule adopted under IC 28-11-3-5. A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this subsection is delinquent.

(b) If a pawnbroker, in the conduct of the business, purchases an article from a seller, the purchase shall be evidenced by a bill of sale properly signed by the seller. All bills of sale must be in duplicate and must recite the following separate items:

(1) Date of bill of sale.

(2) Amount of consideration.

(3) Name of pawnbroker.

(4) Description of each article sold. However, if multiple articles of a similar nature that do not contain an identification or serial number (such as precious metals, gemstones, musical recordings, video recordings, books, or hand tools) are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any other unique identifying marks, numbers, names, letters, or special features.

(5) Signature of seller.

(6) Address of seller.

(7) Date of birth of the seller.

(8) The type of government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification, and the identification number present on the government issued identification.

~~(c) If a pawnbroker, in the conduct of the business, purchases an article from a seller on the condition of selling the property back at a stipulated price, the transaction shall be evidenced by a bill of sale properly signed by the seller. All such bills of sale must be in duplicate and recite the information in subsection (b) and must also contain the following information:~~

~~(1) Date of resale.~~

~~(2) Amount of resale.~~

~~(d)~~ **(c)** The original copy of the bill of sale shall be retained by the pawnbroker. The second copy shall be delivered to the seller by the pawnbroker at the time of sale. The heading on all bill of sale forms must be in boldface type.

~~(e)~~ **(d)** If a pawnbroker, in the conduct of the business, purchases precious metal (as defined in IC 24-4-19-6) from a seller, the pawnbroker shall, for at least ten (10) calendar days after the date the pawnbroker purchases the precious metal, retain the precious metal:

(1) at the pawnbroker's permanent place of business where the pawnbroker purchased the precious metal; and

(2) separate from other precious metal.

~~(f)~~ **(e)** Each licensee shall maintain a record of control indicating the number of accounts and dollar value of all outstanding pawnbroking receivables. ~~Each licensee shall maintain a separate record of transactions subject to subsection (c).~~

~~(g)~~ **(f)** If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection

refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 32. IC 28-8-4-38, AS AMENDED BY P.L.216-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. (a) A licensee may renew a license by complying with the following:

(1) Filing with the director or the director's designee the annual renewal in the form that is prescribed by the director and sent by the director to each licensee not later than December 31 of each year. The renewal must include the following, which, except for the financial statements described in clause (A), must be filed not later than December 31:

(A) Either:

(i) a copy of the licensee's most recent audited consolidated annual financial statements, including a balance sheet, a statement of income or loss, a statement of changes in shareholder's equity, and a statement of changes in financial position; or

(ii) if the licensee is a wholly owned subsidiary, the parent corporation's or parent organization's most recent consolidated audited annual financial statements or the parent corporation's or parent organization's **most recent** Form 10K ~~reports~~ **report** filed with the Securities and Exchange Commission, ~~for the previous three (3) years,~~ along with the licensee's unaudited annual financial statements.

The **audited** financial statements required to be submitted under this clause must be prepared by an independent certified public accountant authorized to do business in the United States in accordance with AICPA Statements on Standards for Accounting and Review Services (SSARS) and must be filed with the director or the director's designee not later than ~~April 30 of the year that immediately follows~~ **one hundred twenty**

(120) days after the close of the calendar or fiscal year covered by the statements.

(B) The number of payment instruments sold by the licensee in Indiana, the dollar amount of those instruments, and the dollar amount of outstanding payment instruments sold by the licensee calculated from the most recent quarter for which data is available before the date of the filing of the renewal application, but in no event more than one hundred twenty (120) days before the renewal date.

(C) Material changes to the information submitted by the licensee on its original application or as part of a renewal that have not been reported previously to the director on any other report or renewal required to be filed under this chapter.

(D) A list of the licensee's permissible investments.

(E) A list of the locations within Indiana at which business regulated by this chapter will be conducted by either the licensee or its authorized delegate, including information concerning any business, other than the business of money transmission under this chapter, that will be conducted at each identified location, as required under section 24(10) of this chapter.

(2) Paying the annual renewal fee described under section 37 of this chapter.

(b) A licensee that:

(1) does not:

(A) file:

(i) a renewal; or

(ii) any financial statements required by subsection (a)(1)(A);

by the renewal filing deadline set by the director; or

(B) pay the renewal fee by December 31 of each year; and

(2) has not been granted an extension of time by the department to meet the requirements described in subdivision (1);

shall be notified by the department, in writing, that a hearing will be scheduled at which the licensee will be required to show cause why its license should not be suspended pending compliance with these requirements. If after the hearing the license is not suspended, the department shall require a daily late fee beginning with the date the

renewal, the financial statements, or the annual renewal fee is required by this chapter, in an amount fixed by the department under IC 28-11-3-5.

(c) The director may, for good cause shown, waive any requirement of this section.

SECTION 33. IC 28-8-4-41, AS AMENDED BY P.L.27-2012, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) The director may conduct an annual onsite examination of a licensee or an authorized delegate of a licensee.

(b) If the director determines that a reasonable belief exists that a person is operating without a valid license or in violation of this chapter, the director has the authority to investigate and examine the records of that person. The person examined must pay the reasonably incurred costs of the examination.

(c) Except as provided in section 42(a)(2) of this chapter, the director must give the licensee forty-five (45) days written notice before conducting an onsite examination.

(d) If the director determines, based on the licensee's financial statements and past history of operations in Indiana, that an onsite examination is unnecessary, the director may waive the onsite examination.

(e) If the director concludes that an onsite examination of a licensee is necessary, the licensee shall pay all reasonably incurred costs of such examination in accordance with the fee schedule adopted under IC 28-11-3-5. A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this section is delinquent.

(f) An onsite examination may be conducted in conjunction with examinations to be performed by representatives of agencies of another state or states. In lieu of an onsite examination, a director may accept the examination report of an agency of another state, or a report prepared by an independent accounting firm. A report accepted under this subsection shall be considered, for all purposes, to be an official report of the director.

(g) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

(1) licensee; or

(2) person that the department suspects to be operating:

(A) without a license, when a license is required under this chapter; or

(B) otherwise in violation of this chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5.

~~(g)~~ **(h)** If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 34. IC 28-8-5-11, AS AMENDED BY P.L.172-2011, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person shall not engage in the business of cashing checks for consideration without first obtaining a license.

(b) Each application for a license shall be in writing in such form as the director may prescribe and shall include all of the following:

(1) The following information pertaining to the applicant:

(A) Name.

(B) Residence address.

(C) Business address.

(2) The following information pertaining to any individual described in section 12(b)(1) of this chapter:

(A) Name.

(B) Residence address.

(C) Business address.

(D) Whether the person:

(i) is, at the time of the application, under indictment for a felony under the laws of Indiana or any other jurisdiction; or

(ii) has been convicted of ~~or pleaded guilty or nolo contendere to~~ a felony under the laws of Indiana or any other jurisdiction.

(3) The address where the applicant's office or offices will be located. If any business, other than the business of cashing checks under this chapter, will be conducted by the applicant or another person at any of the locations identified under this subdivision, the applicant shall indicate for each location at which another business will be conducted:

(A) the nature of the other business;

(B) the name under which the other business operates;

(C) the address of the principal office of the other business;

(D) the name and address of the business's resident agent in Indiana; and

(E) any other information that the director may require.

(4) If the department of state revenue notifies the department that a person is on the most recent tax warrant list, the department shall not issue or renew the person's license until:

(A) the person provides to the department a statement from the department of state revenue that the person's tax warrant has been satisfied; or

(B) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(5) Such other data, financial statements, and pertinent information as the director may require.

(c) The application shall be filed with a nonrefundable fee fixed by the department under IC 28-11-3-5.

SECTION 35. IC 28-8-5-14, AS AMENDED BY P.L.27-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A license issued pursuant to this chapter expires on ~~July~~ **August** 1 of the year following the date of issuance unless earlier suspended, relinquished, or revoked.

SECTION 36. IC 28-8-5-15, AS AMENDED BY P.L.89-2011, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) To remain in force, a license must be renewed not later than ~~July~~ **August** 1 of each year, beginning with the year following the date of issuance, as set forth in section 14 of this chapter. A licensee may renew a license issued under this chapter by filing a renewal application as prescribed by the director of the department. The department shall prescribe a form for the renewal application. To be accepted for processing, a renewal application must be accompanied by:

(1) the license renewal fee described in subsection (b); and

(2) all information and documents requested by the director of the department.

(b) A licensee that seeks to renew a license issued under this chapter shall pay to the department before ~~July~~ **August** 1 of each year a fee fixed by the department under IC 28-11-3-5 as a renewal fee. The department may fix a daily late fee under IC 28-11-3-5 for a:

(1) renewal license application; or

(2) renewal fee;

that is received by the department after ~~July~~ **August** 1.

SECTION 37. IC 28-8-5-19, AS AMENDED BY P.L.27-2012, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) The department may examine the books, accounts, and records of a licensee and may make investigations to determine compliance.

(b) If the department examines the books, accounts, and records of a licensee, the licensee shall pay all reasonably incurred costs of the examination in accordance with the fee schedule adopted under IC 28-11-3-5. A fee established by the department under IC 28-11-3-5 may be charged for each day a fee under this section is delinquent.

(c) To discover violations of this chapter or to secure information necessary for the enforcement of this chapter, the department may investigate any:

(1) licensee; or

(2) person that the department suspects to be operating:

(A) without a license, when a license is required under this chapter; or

(B) otherwise in violation of chapter.

The department has all investigatory and enforcement authority under this chapter that the department has under IC 28-11 with respect to financial institutions. If the department conducts an investigation under this section, the licensee or other person investigated shall pay all reasonably incurred costs of the investigation in accordance with the fee schedule adopted under IC 28-11-3-5.

~~(c)~~ **(d)** If a licensee contracts with an outside vendor to provide a service that would otherwise be undertaken internally by the licensee and be subject to the department's routine examination procedures, the person that provides the service to the licensee shall, at the request of the director, submit to an examination by the department. If the director determines that an examination under this subsection is necessary or desirable, the examination may be made at the expense of the person to be examined. If the person to be examined under this subsection refuses to permit the examination to be made, the director may order any licensee that receives services from the person refusing the examination to:

(1) discontinue receiving one (1) or more services from the person; or

(2) otherwise cease conducting business with the person.

SECTION 38. IC 28-10-1-1, AS AMENDED BY P.L.216-2013, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A reference to a federal law or federal regulation in this title is a reference to the law or regulation as in effect December 31, ~~2012.~~ **2013.**

SECTION 39. IC 28-11-4-3, AS AMENDED BY P.L.35-2010, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) If the director determines that a current or former director, officer, or employee of a financial institution has:

(1) committed a violation of a statute, a rule, a final cease and desist order, any condition imposed in writing by the director in connection with the grant of any application or other request by the financial institution, or any written agreement between the financial institution and the director or the department;

(2) engaged or participated in an unsafe or unsound practice in connection with the financial institution;

(3) committed or engaged in an act, an omission, or a practice that constitutes a breach of fiduciary duty as director, officer, or employee; or

(4) been convicted of, ~~has pleaded guilty or nolo contendere to,~~ or is under indictment for, a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction;

the director, subject to subsection (b), may issue and serve upon the officer, director, or employee a notice of the director's intent to issue an order removing the person from the person's office or employment, an order prohibiting any participation by the person in the conduct of the affairs of any financial institution, or an order both removing the person and prohibiting the person's participation.

(b) A violation, practice, or breach specified in subdivision (a) is subject to the authority of the director under subsection (a) if the director finds any of the following:

(1) By reason of the violation, practice, or breach, the financial institution has suffered or will probably suffer substantial financial loss or other damage.

(2) The interests of the financial institution's depositors could be seriously prejudiced by reason of the violation, practice, or breach of fiduciary duty.

(3) The violation, practice, or breach involves personal dishonesty on the part of the officer, director, or employee involved.

(4) The violation, practice, or breach demonstrates a willful or continuing disregard by the officer, director, or employee for the safety and soundness of the financial institution.

(c) A person who:

(1) is under indictment for; **or**

(2) has been convicted of; ~~or~~

~~(3) has pleaded guilty or nolo contendere to;~~

a felony involving fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction may not serve as a director, an officer, or an employee of a financial institution, or serve in any similar capacity, unless the person obtains the written consent of the director.

(d) A financial institution that willfully permits a person to serve the financial institution in violation of subsection (b) or (c) is subject to a civil penalty of five hundred dollars ($500) for each day the violation

continues. A civil penalty paid under this subsection must be deposited into the financial institutions fund established by IC 28-11-2-9.

SECTION 40. IC 28-13-4-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. All debts due to a corporation on which interest is past due for a period of six (6) months are bad debts unless, in the opinion of the department, the debts are well secured.~~

SECTION 41. IC 28-13-10-9, AS AMENDED BY P.L.90-2008, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) As used in this section, "emergency" means:

(1) any condition or occurrence that:

(A) may interfere physically with the conduct of normal business operations; or

(B) poses an imminent or existing threat to the safety or security of persons, property, or both persons and property;

at one (1) or more of the offices of a corporation;

(2) any condition or occurrence that:

(A) is declared a state of disaster emergency by the governor under IC 10-14-3-12; and

(B) applies to an area that includes one (1) or more of the offices of a corporation; or

(3) the death of or funeral services for an employee, officer, or director of a corporation or for a former employee, officer, or director of a corporation.

(b) A corporation may be closed on any part of a legal holiday by giving reasonable notice to its customers of its intention to be closed in observance of the holiday.

(c) Whenever a corporation is to be closed on a day or part of a day other than a legal holiday, the board of directors shall pass a resolution concerning the closing, and give reasonable notice of the closing to the customers of the corporation.

(d) The board of directors of a corporation may establish and observe different banking hours and designate different fixed days, if any, for closing the principal office and each separate branch office of the corporation.

(e) Any day designated by the President of the United States or by the governor as a day of mourning, celebration, or other special observance is a legal holiday for corporations.

(f) Whenever the officers of a corporation believe that an emergency exists or is impending, which affects or may affect one (1) or more of a corporation's offices, the officers have the authority, in the reasonable and proper exercise of their discretion, to determine not to open any one (1) or more of such offices or, if having opened, to close any one (1) or more of such offices during the continuation of the emergency. The office or offices so closed shall remain closed until the time the officers determine that the emergency has ended. However, such office or offices may not remain closed for more than forty-eight (48) consecutive hours on business days, excluding other legal holidays, without ~~requesting the approval of~~ **providing prior notice to** the director of the department of financial institutions.

(g) A corporation closing an office or offices under subsection (f) shall give prompt notice of its action to the director of the department of financial institutions.

(h) Any date on which a corporation is closed under this section is a legal holiday with respect to the business affairs of the corporation. No liability or loss of rights of any kind, on the part of any corporation, director, officer, or employee, accrues or results by virtue of any closing authorized by this section.

SECTION 42. IC 28-13-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A corporation may indemnify an individual made a party to a proceeding because the individual is or was a director against liability incurred in the proceeding if:

(1) the individual's conduct was in good faith; and

(2) the individual reasonably believed:

(A) in the case of conduct in the individual's official capacity with the corporation, that the individual's conduct was in the corporation's best interests; and

(B) in all other cases, that the individual's conduct was at least not opposed to the corporation's best interests; and

(3) in the case of any criminal proceeding, the individual either:

(A) had reasonable cause to believe the individual's conduct was lawful; or

(B) had no reasonable cause to believe the individual's conduct was unlawful.

(b) A director's conduct with respect to an employee benefit plan for a purpose the director reasonably believed to be in the interests of the participants in and beneficiaries of the plan is conduct that satisfies the requirement of subsection (a)(2).

(c) The termination of a proceeding by judgment, order, settlement, **or** conviction ~~or upon a plea of nolo contendere or its equivalent~~ is not, of itself, determinative that the director did not meet the standard of conduct described in this section.

SECTION 43. IC 30-4-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (Accounting by Trustees)

(a) Unless the terms of the trust provide otherwise or unless waived in writing by an adult, competent beneficiary, the trustee shall deliver a written statement of accounts to each income beneficiary or ~~his~~ **the income beneficiary's** personal representative annually. The statement shall contain at least:

(1) all receipts and disbursements since the last statement; and

(2) all items of trust property held by the trustee on the date of the statement at their inventory value.

(b) This subsection applies to a charitable trust with assets of at least five hundred thousand dollars ($500,000). The trustee of a charitable trust shall annually file a verified written certification with the attorney general stating that a written statement of accounts has been prepared showing at least the items listed in section 13(a) of this chapter. The certification must state that the statement of accounts is available to the attorney general and any member of the general public upon request. A charitable trust may not be exempted from this requirement by a provision in a will, trust agreement, indenture, or other governing instrument. This subsection does not prevent a trustee from docketing a charitable trust to finalize a written statement of account or any other lawful purpose in the manner provided in this article. However, this subsection does not apply to an organization that is not required to file a federal information return under Section ~~6033(a)(2)(A)(i) or Section 6033(a)(2)(A)(ii)~~ **6033(a)(3)(A)(1)** of the Internal Revenue Code.

(c) Upon petition by the settlor, a beneficiary or ~~his~~ **the beneficiary's** personal representative, a person designated by the settlor to have advisory or supervisory powers over the trust, or any other person having an interest in the administration or the benefits of

the trust, including the attorney general in the case of a trust for a benevolent public purpose, the court may direct the trustee to file a verified written statement of accounts showing the items listed in section 13(a) of this chapter. The petition may be filed at any time; ~~provided,~~ however, ~~that~~ the court ~~will~~ **may** not, in the absence of good cause shown, require the trustee to file a statement more than once a year.

(d) If the court's jurisdiction is of a continuing nature as provided in IC 30-4-6-2, the trustee shall file a verified written statement of accounts containing the items shown in section 13(a) of this chapter with the court biennially, and the court may, on its own motion, require the trustee to file such a statement at any other time ~~provided~~ **if** there is good cause for requiring a statement to be filed.

SECTION 44. **An emergency is declared for this act.**

P.L.138-2014
[H.1253. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 12-7-2-118.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 118.3. "Initiative", for purposes of IC 12-31-2, has the meaning set forth in IC 12-31-2-1.~~

SECTION 2. IC 12-7-2-132.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 132.5. "Nonprofit corporation", for purposes of IC 12-31, has the meaning set forth in IC 12-31-1-1.~~

SECTION 3. IC 12-7-2-142.7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 142.7. "Postnatal donation", for purposes of IC 12-31, has the meaning set forth in IC 12-31-1-2.~~

SECTION 4. IC 12-31 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Umbilical Cord Blood).

SECTION 5. IC 16-18-2-36.5, AS AMENDED BY P.L.134-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36.5. (a) "Birthing center", for purposes of IC 16-21-2 and ~~IC 16-21-7.5,~~ **IC 16-21-11.2,** means a freestanding entity that has the sole purpose of delivering a normal or uncomplicated pregnancy.

(b) The term does not include a hospital that is licensed as a hospital under IC 16-21-2.

SECTION 6. IC 16-18-2-287.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 287.6. "Postnatal donation", for purposes of IC 16-21-11.2, has the meaning set forth in IC 16-21-11.2-1.**

SECTION 7. IC 16-21-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Hospital and Birthing Center Requirement Regarding Umbilical Cord Blood Donation).

SECTION 8. IC 16-21-11.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11.2. Postnatal Donation Initiative

Sec. 1. As used in this chapter, "postnatal donation" means any of the following donations by a patient to an umbilical cord blood bank or other similar establishment that is registered under 21 CFR 1271.1 et seq., as required by law:

(1) Postnatal fluid, including umbilical cord blood.

(2) Postnatal tissue, including the placenta and tissue extracted from an umbilical cord.

Sec. 2. (a) The postnatal donation board is established.

(b) The postnatal donation board consists of the following members:

(1) The state health commissioner or the commissioner's designee.

(2) The secretary of family and social services or the secretary's designee.

(3) The director of the state department of health's office of minority health.

(4) The following individuals appointed by the state health commissioner:

(A) One (1) president or chief executive officer of an Indiana based hospital.

(B) One (1) research scientist with expertise in umbilical cord blood research.

(C) One (1) ethicist with expertise in bioethics.

(D) One (1) physician licensed under IC 25-22.5 who specializes in birthing and delivery.

(E) One (1) representative of a donor umbilical cord blood bank.

(F) One (1) member of the interagency state council on black and minority health established under IC 16-46-6.

(c) The state health commissioner or the commissioner's designee shall chair the postnatal donation board.

(d) The state department shall staff the postnatal donation board.

(e) The postnatal donation board shall assist the state department in carrying out the postnatal donation initiative under this chapter.

(f) A member of the postnatal donation board who is not a state employee is not entitled to a salary per diem or other compensation for services as a member of the postnatal donation board. However, the member is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

Sec. 3. The state department, with the assistance of the postnatal donation board, shall establish a postnatal donation initiative to promote awareness concerning a pregnant woman's option to make a postnatal donation upon the birth of a newborn infant.

Sec. 4. (a) The postnatal donation initiative must include the dissemination of the following information:

(1) Information concerning the option that is available to pregnant women to make a postnatal donation upon the birth of a newborn infant.

(2) An explanation of the benefits and risks of using postnatal fluid and postnatal tissue, in accordance with the National Marrow Donor Program or another federal Food and Drug Administration approved protocol, and the use of postnatal fluid and postnatal tissue for medical treatment, including the following:

(A) A list of the diseases or conditions that have been treated through the use of postnatal donations.

(B) A list of the diseases or conditions for which scientific research indicates that treatment through the use of postnatal donations are promising.

(3) Information concerning the process by which postnatal fluid and postnatal tissue are collected and the steps that a pregnant woman must take to arrange to have the postnatal fluid or postnatal tissue, or both, collected and donated.

(b) The state department shall:

(1) update the material described in subsection (a); and

(2) provide for the distribution of the information to at least the following persons that treat pregnant women:

(A) Physicians licensed under IC 25-22.5.

(B) Health care facilities.

(C) Ambulatory surgical centers.

(D) Health clinics.

(E) Maternity homes registered under IC 16-26-1.

(F) Nurse midwives licensed under IC 25-23-1-13.1.

(G) Birthing centers licensed under IC 16-21-2.

Sec. 5. A member of the postnatal donation board, any of its volunteers and agents, and any person that treats pregnant women, including any person described in section 4 of this chapter, that in good faith participate in the postnatal donation initiative under this chapter is immune from civil liability for an act or omission related to participation in the postnatal donation initiative, unless the damages are the result of that person's intentional, knowing, or reckless misconduct (as defined in IC 35-41-2-2).

SECTION 9. IC 25-23-1-7, AS AMENDED BY P.L.134-2008, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board shall do the following:

(1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.

(2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.

(3) Provide for surveys of such programs at such times as it considers necessary.

(4) Accredit such programs as meet the requirements of this chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

(6) Examine, license, and renew the license of qualified applicants.

(7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

(8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish, with the approval of the medical licensing board created by IC 25-22.5-2-1, requirements for the renewal of a practice agreement under section 19.4 of this chapter, which shall expire on October 31 in each odd-numbered year.

(10) Keep a record of all its proceedings.

(11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.

~~(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.3.~~

(b) The board may do the following:

(1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.

(2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:

(A) Recommendation of rules necessary to carry out the duties of the board.

(B) Recommendations concerning educational programs and requirements.

(C) Recommendations regarding examinations and licensure of applicants.

(3) Appoint nurses to serve on each of the ad hoc subcommittees.

(4) Withdraw from the interstate nurse licensure compact under IC 25-23.2 (repealed).

~~(5) If requested by the nonprofit corporation formed under IC 12-31-1-3, provide assistance to the public umbilical cord blood bank and umbilical cord blood donation initiative.~~

(c) Nurses appointed under subsection (b) must:

(1) be committed to advancing and safeguarding the nursing profession as a whole; and

(2) represent nurses who practice in the field directly affected by a subcommittee's actions.

SECTION 10. IC 34-30-2-60.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 60.2. IC 16-21-11.2-5 (Concerning participation in the postnatal donation initiative).**

SECTION 11. [EFFECTIVE UPON PASSAGE] **(a) All powers, duties, agreements, and liabilities of the public umbilical cord blood bank and the umbilical cord blood donation initiative established by IC 12-31, before its repeal by this act, are transferred to the state department of health for purposes of the postnatal donation initiative (IC 16-21-11.2, as added by this act).**

(b) All records and property of the public umbilical cord blood bank and the umbilical cord blood donation initiative established by IC 12-31, before its repeal by this act, including appropriations,

grants, and other funds, are transferred to the state department of health for purposes of the postnatal donation initiative (IC 16-21-11.2, as added by this act).

(c) Any amounts owed to the public umbilical cord blood bank and the umbilical cord blood donation initiative are considered to be owed to the state department of health for purposes of the postnatal donation initiative (IC 16-21-11.2, as added by this act).

(d) This SECTION expires December 31, 2015.

SECTION 12. **An emergency is declared for this act.**

P.L.139-2014
[H.1290. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.232-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, **an athletic trainer,** or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or

institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5 and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a certified nurse midwife;

(6) a paramedic;
(7) an emergency medical technician;
(8) an advanced emergency medical technician; or
(9) an emergency medical responder, as defined by section 109.8 of this chapter.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
(2) A blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.
(3) A home health agency (as defined in IC 16-27-1-2).
(4) A health maintenance organization (as defined in IC 27-13-1-19).
(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:
(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
(B) is organized or registered under state law; and
(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 2. IC 20-30-5-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. (a) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.**

(b) Except as provided in subsection (e), each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

(1) An instructional program developed by the American Heart Association or the American Red Cross.

(2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(c) A school corporation or an accredited nonpublic school may offer the instruction required in subsection (b) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

(d) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation or accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(e) A school administrator may waive the requirement that a student receive instruction under subsection (b) if the student has

a disability or is physically unable to perform the psychomotor skill component of the instruction required under subsection (b).

(f) If a school is unable to comply with the psychomotor skill component of the instruction required under subsection (b), the governing body may submit a request to the state superintendent to waive the psychomotor skill component. The state superintendent shall take action on the waiver request within thirty (30) days of receiving the request for a waiver. A waiver request must:

(1) be in writing;

(2) include the reason or reasons that necessitated the waiver request;

(3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and

(4) be submitted each year for the school year the school requests the waiver.

SECTION 3. IC 20-34-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 8. Student Athletes: Sudden Cardiac Arrest

Sec. 1. As used in this chapter, "association" means an organization that conducts, organizes, sanctions, or sponsors interscholastic athletic events as the organization's primary purpose.

Sec. 2. As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among schools.

(2) An intramural athletic contest or competition that is sponsored by or associated with a school.

(3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.

Sec. 3. As used in this chapter, "school" refers to a public school and an accredited nonpublic school.

Sec. 4. This chapter does not require information to be provided to or consent to be received from the parent or legal guardian of a student athlete if the student athlete is:

(1) at least eighteen (18) years of age; or

(2) an emancipated minor.

Sec. 5. (a) Before July 1, 2015, the department shall disseminate guidelines, information sheets, and forms to each accredited nonpublic school, charter school, and each school corporation for distribution to schools to inform and educate coaches, student athletes, and parents and legal guardians of student athletes of the nature and risk of sudden cardiac arrest to student athletes.

(b) The department:

(1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and

(2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The department may disseminate the guidelines, information sheets, and forms required under this section in an electronic format.

Sec. 6. Each year, before beginning practice for an athletic activity, a student athlete and the student athlete's parent or legal guardian:

(1) must be given the information sheet and form described in section 5 of this chapter; and

(2) shall sign and return the form acknowledging the receipt of the information sheet to the student athlete's coach.

The coach shall maintain a file of the completed forms.

Sec. 7. If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

(1) the student athlete shall be removed from practice or play at the time that the symptom is identified; and

(2) the parent or legal guardian of the student athlete shall be notified of the student athlete's symptoms.

Sec. 8. A student athlete who has been removed from practice or play under section 7 of this chapter may not return to practice or play until the coach has received verbal permission from a parent or legal guardian of the student athlete for the student athlete to return to practice and play. Within twenty-four (24) hours after giving verbal permission for the student athlete to return to practice and play, the parent or legal guardian must

provide the coach with a written statement that the student athlete has permission to return to practice and play.

SECTION 4. IC 21-18-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 13. Student Athletes: Sudden Cardiac Arrest

Sec. 1. This chapter applies to public and private postsecondary educational institutions in Indiana that offer athletic activities.

Sec. 2. As used in this chapter, "association" means an organization that conducts, organizes, sanctions, or sponsors interscholastic athletic events as the organization's primary purpose.

Sec. 3. As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among postsecondary educational institutions.

(2) An intramural athletic contest or competition that is sponsored by or associated with a postsecondary educational institution.

(3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a postsecondary educational institution.

Sec. 4. (a) Before July 1, 2015, the commission shall disseminate guidelines, information sheets, and forms to the athletic department of each postsecondary educational institution to inform and educate coaches and student athletes of the nature and risk of sudden cardiac arrest to student athletes.

(b) The commission:

(1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and

(2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The commission may disseminate the guidelines, information sheets, and forms required under this section in an electronic format.

Sec. 5. Each year, before beginning practice for an athletic activity, a student athlete:

(1) must be given the information sheet and form described in section 4 of this chapter; and

(2) shall sign and return the form acknowledging the receipt of the information sheet to the student athlete's coach.

The coach shall maintain a file of the completed forms.

Sec. 6. If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

(1) the student athlete shall be removed from practice or play at the time that the symptom is identified; and

(2) an athletic trainer or a physician associated with the team or postsecondary educational institution shall be notified of the student athlete's symptoms.

Sec. 7. A student athlete who has been removed from practice or play under section 6 of this chapter may not return to practice and play until the coach has received verbal permission from an athletic trainer or a physician that the student athlete may return to practice and play. Within twenty-four (24) hours after giving verbal permission for the student athlete to return to practice and play, the athletic trainer or physician must provide the coach with a written statement that the student athlete has permission to return to practice and play.

SECTION 5. IC 25-0.5-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-5.1 (athletic trainers).**

P.L.140-2014
[H.1340. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 5-1.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The bank, to carry out the purposes and policies of this article, may purchase securities of the qualified entity, **including any securities issued by a school corporation to refund bonds or other obligations that were issued or entered into by a school corporation before that school corporation completed a consolidation or merger under IC 20-23 or any other law.** Notwithstanding any law to the contrary, a qualified entity may sell its securities to the bank at a negotiated, private sale. The bank, for this purpose, may issue its bonds and notes payable solely from the revenues or funds available to the bank for such payment and may otherwise assist qualified entities as provided in this article.

SECTION 2. IC 20-48-1-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. A school corporation may:**

(1) issue bonds to refund bonds or other obligations that were issued or entered into by a school corporation before that school corporation completed a consolidation or merger under IC 20-23 or any other law; and

(2) sell the bonds at a negotiated, private sale to the Indiana bond bank.

P.L.141-2014
[H.1358. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-84, AS AMENDED BY P.L.197-2011, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 84. "Council", ~~refers to the following:~~

~~(1) For purposes of IC 16-21, IC 16-25, IC 16-27, IC 16-28, and IC 16-29, the health care facility advisory council.~~

~~(2)~~ for purposes of IC 16-46-6, **refers to** the interagency state council on black and minority health.

SECTION 2. IC 16-19-14-7, AS ADDED BY P.L.38-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. This chapter expires July 1, ~~2014.~~ **2017.**

SECTION 3. IC 16-19-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Health Care Facility Advisory Council).

SECTION 4. IC 16-21-1-7, AS AMENDED BY P.L.96-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a) Except as provided in subsection (b), the council shall propose and~~ The executive board may adopt rules under IC 4-22-2 necessary to protect the health, safety, rights, and welfare of patients, including the following:

(1) Rules pertaining to the operation and management of hospitals, ambulatory outpatient surgical centers, abortion clinics, and birthing centers.

(2) Rules establishing standards for equipment, facilities, and staffing required for efficient and quality care of patients.

~~(b) The state department may request the council to propose a new rule or an amendment to an existing rule necessary to protect the health, safety, rights, and welfare of patients. If the council does not~~

~~propose a rule within ninety (90) days of the department's request, the department may propose its own rule.~~

~~(c) The state department shall consider the rules proposed by the council and may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.~~

SECTION 5. IC 16-21-1-10, AS AMENDED BY P.L.1-2006, SECTION 295, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Licensure inspections of an institution or agency shall be made regularly in accordance with rules adopted under this chapter. The state department shall make all health and sanitation inspections, including inspections in response to an alleged breach of this chapter or rules adopted under this chapter. The division of fire and building safety shall make all fire safety inspections. ~~The council may provide for other inspections necessary to implement this chapter.~~

(b) An employee of the state department who knowingly or intentionally informs an institution or agency of the exact date of an unannounced inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be in writing and sent to the institution or agency.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 6. IC 16-21-2-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. The state department shall administer this chapter with the advice of the council.~~

SECTION 7. IC 16-25-3-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2.5. The state department shall administer this chapter with the advice of the health care facility advisory council established by IC 16-19-15-1.~~

SECTION 8. IC 16-27-0.5-9, AS AMENDED BY P.L.6-2012, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~(a)~~ The state department may ~~request the health care facility advisory council to propose a new rule or an amendment to a rule~~ **adopt rules under IC 4-22-2** necessary to protect the health, safety, rights, and welfare of the home health care patients and hospice patients. ~~If the council does not propose a rule~~

~~within ninety (90) days after the state department's request, the state department may propose the rule.~~

~~(b) The executive board shall consider rules proposed by the council under this section. The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.~~

~~(c) To become effective, all rules proposed by the council under this chapter must be adopted by the executive board in accordance with IC 4-22-2.~~

SECTION 9. IC 16-28-1-7, AS AMENDED BY P.L.156-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The ~~council~~ **state department** shall do the following:

(1) ~~Propose the adoption of~~ **Adopt** rules ~~by the department~~ under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of patients.

(B) Qualifications of applicants for licenses issued under this article to assure the proper care of patients.

(C) Operation, maintenance, management, equipment, and construction of facilities required to be licensed under this article if jurisdiction is not vested in any other state agency.

(D) Manner, form, and content of the license, including rules governing disclosure of ownership interests.

(E) Levels of medical staffing and medical services in cooperation with the office of Medicaid policy and planning, division of family resources, and other agencies authorized to pay for the services.

(2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.

(3) Classify health facilities in health care categories.

~~(4) Act as an advisory body for the division, commissioner, and state department.~~

SECTION 10. IC 16-28-1-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. The council may not waive a rule adopted under this chapter.~~

SECTION 11. IC 16-28-1-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 12. (a) The department may request the council to~~

~~propose a new rule or an amendment to a rule necessary to protect the health, safety, rights, and welfare of patients. If the council does not propose a rule not more than ninety (90) days after the department's request, the department may propose its own rule.~~

~~(b) The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.~~

~~(c) To become effective, all rules adopted under this chapter must be adopted by the executive board in accordance with IC 4-22-2. The rules adopted under this chapter are the only rules governing the licensing and operation of health facilities.~~

SECTION 12. IC 16-28-1-13, AS AMENDED BY P.L.1-2006, SECTION 299, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Licensure inspections of health facilities shall be made regularly in accordance with rules adopted under this chapter. The division shall make all health and sanitation inspections. The division of fire and building safety shall make all fire safety inspections. ~~The council or the director may provide for other inspections necessary to carry out this chapter.~~

(b) The exact date of an inspection of a health facility under this chapter may not be announced or communicated directly or indirectly to the owner, administrator, or an employee of the facility before the inspection. An employee of the state department who knowingly or intentionally informs a health facility of the exact date of an inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be:

(1) in writing; and

(2) sent to the health facility.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 13. IC 16-28-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Hearings under this article shall be conducted in accordance with IC 4-21.5. Except for hearings held on the adoption of rules, an administrative law judge must meet the following conditions:

(1) Be admitted to the practice of law in Indiana.

(2) Not be ~~a member of the council or~~ an employee of the state.

(b) A health facility shall pay the costs of appointing an administrative law judge if the administrative law judge finds in favor of the state. However, if the administrative law judge finds in favor of the health facility, the state shall pay the costs of appointing the administrative law judge.

SECTION 14. IC 16-29-4-3, AS AMENDED BY P.L.6-2012, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~The health care facility advisory council may recommend,~~ Before the conversion of existing health facility beds to ICF/MR beds or the construction of a new ICF/MR facility, ~~that~~ the state department **may** issue a preliminary approval of the proposed project, but only if the ~~council~~ **state department** determines that there is an insufficient number of available beds to care for all the persons who are determined under IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility.

SECTION 15. IC 16-29-4-4, AS AMENDED BY P.L.6-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A proposed project that receives preliminary approval under this chapter may not add more beds than the number determined by the ~~health care facility advisory council~~ **state department** to be necessary to provide an available bed for each person determined under IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility. Upon completion of the proposed project and compliance with the other requirements for licensure under IC 16-28, the state department shall issue a license to the facility.

SECTION 16. IC 16-36-6-7, AS ADDED BY P.L.164-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The following individuals may complete a POST form:

(1) A qualified person who is:
  (A) either:
    (i) at least eighteen (18) years of age; or
    (ii) less than eighteen (18) years of age but authorized to consent under IC 16-36-1-3(a)(2); and
  (B) of sound mind.
(2) A qualified person's representative, if the qualified person:
  (A) is less than eighteen (18) years of age and is not authorized to consent under IC 16-36-1-3(a)(2); or

(B) has been determined to be incapable of making decisions about the qualified person's health care by a treating physician acting in good faith and the representative has been:

(i) appointed by the individual under IC 16-36-1-7 to serve as the individual's health care representative;

(ii) authorized to act under IC 30-5-5-16 and IC 30-5-5-17 as the individual's attorney in fact with authority to consent to or refuse health care for the individual; ~~or~~

(iii) appointed by a court as the individual's ~~guardian~~ **health care representative** under IC 16-36-1-8; **or**

(iv) appointed by a court as the guardian of the person with the authority to make health care decisions under IC 29-3.

(b) In order to complete a POST form, a person described in subsection (a) and the qualified person's treating physician or the physician's designee must do the following:

(1) Discuss the qualified person's goals and treatment options available to the qualified person based on the qualified person's health.

(2) Complete the POST form, to the extent possible, based on the qualified person's preferences determined during the discussion in subdivision (1).

(c) When completing a POST form on behalf of a qualified person, a representative shall act:

(1) in good faith; and

(2) in:

(A) accordance with the qualified person's express or implied intentions, if known; or

(B) the best interest of the qualified person, if the qualified person's express or implied intentions are not known.

(d) A copy of the executed POST form shall be maintained in the qualified person's medical file.

SECTION 17. IC 16-37-2-4, AS AMENDED BY P.L.232-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A local health officer may accept a certificate of birth presented for filing not more than ~~four (4) years~~ **twelve (12) months** after the birth occurred if the attending physician, certified nurse midwife, certified direct entry midwife, or other person desiring

to file the certificate states the reason for the delay in writing. This statement shall be made a part of the certificate of birth.

SECTION 18. IC 16-37-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A certificate of birth presented for filing more than ~~four (4) years~~ **twelve (12) months** after the birth occurred is a delayed certificate of birth and the record shall be filed only with the state department.

SECTION 19. IC 16-38-4-1, AS AMENDED BY P.L.232-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

(1) A structural deformation.

(2) A developmental malformation.

(3) A genetic, inherited, or biochemical disease.

(4) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.

(5) An autism spectrum disorder that is recognized in ~~a child before the child becomes five (5)~~ **an individual at any** ~~years of~~ age.

(6) A fetal alcohol spectrum disorder that is recognized before a child becomes five (5) years of age.

(7) Any other severe disability that is:

(A) designated in a rule adopted by the state department; and

(B) recognized in a child after birth and before the child becomes three (3) years of age.

(8) Complications resulting from a home delivery. As used in this subdivision, "home" includes the delivery of a viable fetus at a home or other non-health care facility.

SECTION 20. IC 16-38-4-8, AS AMENDED BY P.L.188-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

(1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;

(2) **except for an autism spectrum disorder,** inform the parents of children with birth problems:

(A) at the time of discharge from the hospital; or

(B) if a birth problem is diagnosed during a physician or hospital visit that occurs before the child is:

(i) except as provided in item (ii), three (3) years of age at the time of diagnosis; or

(ii) five (5) years of age at the time of diagnosis if the disorder is ~~an autism spectrum disorder or~~ a fetal alcohol spectrum disorder;

about physicians care facilities, and appropriate community resources, including local step ahead agencies and the infants and toddlers with disabilities program (IC 12-12.7-2); ~~or~~

(3) except as provided in subsection (d), inform:

(A) the individual with problems at any age; or

(B) the individual's parent;

at the time of diagnosis, if the individual's disorder is an autism spectrum disorder, **about physicians and appropriate state and community resources, including local step ahead agencies and the infants and toddlers with disabilities program (IC 12-12.7-2); or**

~~(3)~~ **(4)** inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall record in the birth problems registry:

(1) all data concerning birth problems of children that are provided from the certificate of live birth; ~~and~~

(2) any additional information that may be provided by an individual or entity described in section 7(a)(2) of this chapter concerning a birth problem that is:

(A) designated in a rule adopted by the state department; and

(B) recognized:

(i) after the child is discharged from the hospital as a newborn;

(ii) before the child is five (5) years of age if the child is diagnosed with ~~an autism spectrum disorder or~~ a fetal alcohol spectrum disorder; ~~and~~

(iii) before the child is three (3) years of age for any diagnosis not specified in ~~item~~ **items** (ii) **and (iv); and**

(iv) at any age if the individual is diagnosed with an autism spectrum disorder; and

(3) information reported to the state department by the office of the secretary under IC 12-12-9-3 concerning a child who is less than five (5) years of age and diagnosed with a visual impairment or blindness.

(c) The state department shall:

(1) provide a physician and a local health department with necessary forms for reporting under this chapter; and

(2) report in an electronic format under IC 5-14-6 to the legislative council any birth problem trends that are identified through the data collected under this chapter.

(d) Concerning an individual who is at least eight (8) years of age and diagnosed with an autism spectrum disorder, the state department is not required to do any of the following:

(1) Report information to the federal Centers for Disease Control and Prevention.

(2) Confirm the individual's diagnosis.

(3) Verbally inform an individual of the information set forth in subsection (a)(3).

SECTION 21. IC 16-38-4-9, AS AMENDED BY P.L.232-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Certified nurse midwives, certified direct entry midwives, and individuals and entities described in section 7(a)(2) of this chapter shall report each confirmed case of a birth problem that is recognized at the time of birth to the registry not later than sixty (60) days after the birth. An individual or entity described in section 7(a)(2) of this chapter who recognizes a birth problem in:

(1) a child after birth but before the child is five (5) years of age, **if the child is diagnosed with a fetal alcohol spectrum disorder;**

(2) an individual at any age, if the individual is diagnosed with an autism spectrum disorder; and

(3) a child before the child is three (3) years of age for any birth problem diagnosis not specified in subdivisions (1) and (2);

shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem. Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter, information submitted to any other public or private registry or required to be filed with federal, state, or local agencies. However, the state department may require additional, definitive information.

(c) Exchange of information between state department registries is authorized. The state department may use information from another registry administered by the state department. Information used from other registries remains subject to the confidentiality restrictions on the other registries.

SECTION 22. IC 16-41-42.2-4, AS ADDED BY P.L.3-2008, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The fund is to be used for the following purposes:

(1) Establishing and maintaining a state medical surveillance registry for traumatic spinal cord and brain injuries.

(2) Fulfilling the duties of the board established by section 5 of this chapter.

(3) Funding research related to the treatment and cure of spinal cord and brain injuries, including acute management, medical complications, rehabilitative techniques, and neuronal recovery. Research must be conducted in compliance with all state and federal laws.

(4) Develop a statewide trauma system.

However, not more than fifty percent (50%) of money in the fund may be used for purposes of developing a statewide trauma system.

SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the state department of health.**

(b) Before January 1, 2015, the department shall adopt rules that establish a license and provide regulations for a facility that provides specialized treatment and services for traumatic brain injuries.

(c) Before September 1, 2014, the department shall make to the legislative council and health finance commission recommendations concerning changes to the food handling laws.

Recommendations made to the legislative council must be in an electronic format under IC 5-14-6.

(d) This SECTION expires January 2, 2015.

SECTION 24. **An emergency is declared for this act.**

P.L.142-2014

[H.1360. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 21-44-1-3, AS AMENDED BY P.L.170-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) "Board", for purposes of IC 21-44-5, refers to the medical education board established by IC 21-44-5-1.

(b) "Board", for purposes of IC 21-44-6, refers to the mental health **and addiction** services development programs board established by IC 21-44-6-1.

SECTION 2. IC 21-44-6-1, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. There is established the mental health **and addiction** services development programs board.

SECTION 3. IC 21-44-6-2, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The board consists of the following **ten (10)** members:

(1) The dean of the Indiana University School of Medicine or the dean's designee. The dean of the Indiana University School of Medicine or the dean's designee shall serve as the chairperson of the board.

(2) The chairperson of the department of psychiatry of the Indiana University School of Medicine or the chairperson's designee.

(3) The director of the division of mental health and addiction created by IC 12-21-1-1 or the director's designee.

(4) The commissioner of the state department of health or the commissioner's designee.

(5) The dean of the department of family practice of the Marian University College of Osteopathic Medicine or the dean's designee.

~~(5)~~ **(6)** The administrator of a graduate program in an institution of higher education in Indiana engaged in training psychologists.

~~(6)~~ **(7)** The administrator of a program in an institution of higher education in Indiana engaged in training advanced practice psychiatric nurses.

~~(7)~~ **(8)** One (1) psychiatrist who practices psychiatry in Indiana.

(9) The administrator of a program in an institution of higher education in Indiana engaged in training addiction counselors.

(10) The director of the Indiana department of veterans' affairs or the director's designee.

The governor shall appoint the members of the board described in subdivisions ~~(5)~~ **(6)** through ~~(7).~~ **(9).**

SECTION 4. IC 21-44-6-3, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The board shall meet ~~initially at the call of the governor. After the initial meeting, the board shall meet~~ at least ~~twice~~ **quarterly** each year at the call of the chairperson.

SECTION 5. IC 21-44-6-4, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Each board member who is not a state employee is not entitled to a salary per diem. The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by

the Indiana department of administration and approved by the budget agency.

(c) ~~Except as provided in subsection (d),~~ The affirmative votes of a majority of the members appointed to the board are required for the board to take action on any measure.

~~(d) The affirmative votes of a majority of the members appointed to the board including the unanimous votes of the members under section 2(1), 2(2), and 2(7) of this chapter who are present, are required for the board to take any action. concerning the public sector psychiatry development program or the training track program.~~

SECTION 6. IC 21-44-6-5, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The purpose of the board is to do the following:

(1) To establish and oversee a loan forgiveness program designed to attract:

(A) psychiatrists, **including psychiatrists pursuing fellowship training and certification in addiction psychiatry;**

(B) psychologists; ~~and~~

(C) psychiatric nurses;

(D) addiction counselors; and

(E) mental health professionals;

to provide services to individuals with mental illness **and addictive disorders** in ~~public psychiatry settings~~ **behavioral health and addiction treatment settings** in Indiana by assisting the individuals listed in this section to pay off loans incurred in the training needed to practice psychiatry and psychology and as a psychiatric nurse, **an addiction counselor, or a mental health professional** in Indiana.

(2) To establish and oversee ~~a public sector psychiatry~~ **an integrated behavioral health and addiction treatment** development program to attract and train psychiatrists, **psychologists, psychiatric nurses, addiction counselors, or mental health professionals** who will engage in the practice of ~~psychiatry~~ **integrated behavioral health and addiction treatment** in:

(A) state mental health institutions;

(B) community mental health centers; ~~and~~

(C) state funded addiction treatment centers; or

~~(C)~~ **(D)** other **behavioral health and addiction treatment** settings determined by the board to be ~~public sector~~ **mental health and addiction dual diagnoses treatment** settings.

(3) To develop and oversee ~~a public sector psychiatry residency~~ **an integrated behavioral health and addiction treatment** training track program through the Indiana University School of Medicine, Department of Psychiatry residency training program. The training track program must provide an opportunity for ~~psychiatry~~ residents to work in ~~public sector psychiatry~~ **mental health and addiction dual diagnoses treatment** settings, including:

(A) state psychiatric hospitals;

(B) community mental health centers; ~~and~~

(C) state funded addiction treatment centers; or

~~(C)~~ **(D)** other **behavioral health and addiction treatment** settings determined ~~to be public sector~~ **by the board to be mental health and addiction dual diagnoses treatment** settings. ~~by the board.~~

(4) To develop standards for participation in the training track program that include:

(A) guidelines for the amounts of grants and other assistance a participant receives;

(B) guidelines for the type of training in ~~public sector psychiatry~~ **integrated behavioral health and addiction treatment** the participant receives;

(C) guidelines for agreements with mental health hospitals, community mental health centers, and other entities participating in the training track program; and

(D) other guidelines and standards necessary for governing the training track program.

SECTION 7. IC 21-44-6-6, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The board shall establish guidelines for the repayment of the loans incurred by a psychiatrist, psychologist, ~~or~~ psychiatric nurse, **addiction counselor, or mental health professional,** including the following:

(1) A participant may not receive more than twenty-five thousand dollars ($25,000) in a year.

(2) **Except as provided in subdivision (3),** a participant may not receive grants for more than four (4) years.

(3) A participant who is a psychiatrist pursuing fellowship training and certification in addiction psychiatry may not receive grants for more than five (5) years.

~~(3)~~ **(4)** A participant must commit to a full year of service in ~~a public psychiatry~~ **an integrated behavioral health and addiction treatment** setting **as described in section 5(2) or 5(3) of this chapter** for each year of loan repayment.

~~(4)~~ **(5)** A participant must be a practitioner who:

(A) is:

(i) from Indiana; and

(ii) ~~establishing~~ **accepting** a new ~~practice~~ **position** in Indiana; or

(B) is:

(i) from outside Indiana;

(ii) not currently practicing in Indiana and has not practiced in Indiana for three (3) years before applying for the program; and

(iii) establishing a new practice in Indiana.

SECTION 8. IC 21-44-6-7, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "account" refers to the mental health **and addiction** services loan forgiveness account established in subsection (b).

(b) The mental health **and addiction** services loan forgiveness account within the state general fund is established for the purpose of providing grants for loan repayment under this chapter. The account shall be administered by the board. Money in the account shall be used to fund loan forgiveness grants under this chapter.

(c) The account consists of:

(1) appropriations made by the general assembly;

(2) grants; and

(3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 9. IC 21-44-6-8, AS ADDED BY P.L.170-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) As used in this section, "account" refers to the ~~public sector psychiatry~~ **integrated behavioral health and addiction treatment** development program account established in subsection (b).

(b) The ~~public sector psychiatry~~ **integrated behavioral health and addiction treatment** development program account within the state general fund is established for the purpose of providing funding for the ~~public sector psychiatry~~ **integrated behavioral health and addiction treatment** development program established under this chapter. The account shall be administered by the ~~board.~~ **division of mental health and addiction.** Money in the account shall be used to fund ~~psychiatric~~ residency positions, **fellowship training, and certification in addiction psychiatry,** including:

(1) educational expenses;
(2) grants and scholarships;
(3) salaries; and
(4) benefits.

(c) The account consists of:

(1) appropriations made by the general assembly;
(2) grants; and
(3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(g) The board shall give due consideration to annually funding two (2) psychiatrists pursuing fellowship training and certification in addiction psychiatry. A participant who is a psychiatrist pursuing fellowship training and certification in addiction psychiatry must agree to establish a new practice in Indiana for at least five (5) years upon completion of the fellowship training and certification in addiction psychiatry.

SECTION 10. IC 21-44-6-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. The division of mental health and addiction shall provide administrative support for the board.**

P.L.143-2014
[H.1361. Approved March 25, 2014.]

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

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

SECTION 1. IC 5-16-1-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.6. In the case of fire, flood, windstorm, casualty or other extraordinary emergency, including mechanical failure of any part of a building or structure, and where the health, safety or welfare of the public or the necessary governmental operations are endangered by such loss or damage, the responsible board or commission may, upon a declaration of emergency recorded in its minutes, proceed to reconstruct or repair the building or structure without advertising for bids. However, in such an emergency, ~~bids shall~~ **quotes may** be invited from at least three (3) or more persons, firms, limited liability companies, or corporations known to deal in the work required to be done, and the minutes of the board or commission shall

show the names of those persons, firms, limited liability companies, or corporations invited to ~~bid.~~ **submit quotes.**

SECTION 2. IC 5-16-1-1.7, AS AMENDED BY P.L.172-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.7. On agricultural or forestry land owned or occupied by Purdue University and used by it for educational or research purposes, the trustees of the university may, upon a declaration of necessity recorded in its minutes, award contracts without advertising for bids or otherwise satisfying the requirements of this chapter, if the cost of work is estimated to be less than two hundred thousand dollars ($200,000). However, ~~bids~~ **quotes** shall be invited from at least three (3) or more persons, firms, limited liability companies, or corporations known to deal in the work required to be done. The minutes of the board shall show the names of those invited to ~~bid.~~ **submit quotes.**

SECTION 3. IC 5-16-1-1.9, AS AMENDED BY P.L.172-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.9. **(a)** Notwithstanding this article, a state educational institution may award a contract for any construction or repair work to any building, structure, or improvement of the institution without advertising for bids and meeting other contract awarding requirements of this article whenever the estimated cost of the project is less than one hundred fifty thousand dollars ($150,000). However, in awarding any contract under this section the state educational institution must do the following:

(1) Invite ~~bids~~ **quotes** from at least three (3) persons, firms, limited liability companies, or corporations known to deal in the work required to be done.

(2) Give notice of the project if the estimated cost of the project is more than ~~twenty-five~~ **one hundred fifty** thousand dollars ~~($25,000).~~ **($150,000).** If required, notice must include a description of the work to be done and be given in at least one (1) newspaper of general circulation printed and published in the county in which the work is to be done.

(3) Award the contract to the **person who submits the** lowest and best ~~bidder.~~ **quote.**

(b) A state educational institution that awards a contract under this section to a minority business enterprise may include the

contract when assessing the state educational institution's performance in meeting the goal set under section 7 of this chapter.

SECTION 4. IC 5-16-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who submits a bid **or quote** for a public works contract under this chapter that involves the installation of plumbing must submit evidence that the person is a licensed plumbing contractor under IC 25-28.5-1.

(b) If a public works contract under this chapter is awarded to a person who does not meet the requirements of subsection (a), the contract is void.

SECTION 5. IC 5-16-2-1.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.4. The political body or officer authorized to let contracts for public works or improvement may, in the reasonable exercise of discretion, reject all bids **or quotes** submitted.

SECTION 6. IC 21-33-2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. If approved by the commission for higher education, Ball State University may pay for project costs related to architectural, engineering, and consulting services for the construction and renovation of health and basic sciences facilities, including Cooper Science, in excess of the limits set forth in IC 21-33-3-5 and IC 21-33-3-6. If the project is recommended by the commission for higher education to the general assembly, these costs may be reimbursed.**

SECTION 7. IC 21-33-3-5, AS AMENDED BY P.L.229-2011, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Subject to this section, in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project to:

(1) construct buildings or facilities of a cost greater than ~~five hundred thousand dollars ($500,000);~~ **two million dollars ($2,000,000);** or

(2) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds ~~two hundred fifty thousand dollars ($250,000)~~ **two million dollars ($2,000,000);**

only if there are funds available for the project, the project meets any of the applicable conditions, and the project is reviewed by the

commission for higher education and approved by the governor upon recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

(b) If:

(1) any part of the cost of a project described in subsection (a) is paid by state appropriated funds or by mandatory student fees assessed all students for the project; and

(2) the project is to:

(A) construct new buildings or facilities of a cost greater than ~~seven hundred fifty thousand dollars ($750,000)~~ **two million dollars ($2,000,000);** or

(B) purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds ~~five hundred thousand dollars ($500,000)~~ **two million dollars ($2,000,000);**

the project must also be approved by the general assembly.

(c) This section does not limit the board of trustees in supplementing a project approved by the general assembly from gifts or other available funds so long as approval for the expansion of the project is given by the governor on review by the commission for higher education and recommendation of the budget agency.

(d) The review and approval requirements of this section do not apply to a project to:

(1) construct buildings or facilities; or

(2) purchase or lease-purchase land, buildings, or facilities;

if the project involves the expansion or improvement of housing for students undertaken entirely by a fraternity or sorority at the state educational institution.

SECTION 8. IC 21-33-3-6, AS AMENDED BY P.L.229-2011, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Subject to subsection (b), in addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a repair and rehabilitation project for which:

(1) the cost of the project exceeds ~~seven hundred fifty thousand dollars ($750,000)~~ **two million dollars ($2,000,000);** and

(2) any part of the cost of the project is paid by state appropriated funds or by mandatory student fees assessed all students **for the project;**

only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

(b) If no part of the cost of a repair and rehabilitation project is paid by state appropriated funds or by mandatory student fees assessed all students **for the project,** the review and approval requirements of this section apply only if the project exceeds ~~one~~ **two** million ~~five hundred thousand~~ dollars ~~($1,500,000)~~ **($2,000,000).**

SECTION 9. IC 21-33-3-7, AS AMENDED BY P.L.31-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. In addition to projects authorized by the general assembly, the board of trustees of a state educational institution may engage in a project:

(1) to lease, other than a project to lease-purchase, a building or facility; and

(2) for which the annual cost of the project exceeds ~~one hundred fifty~~ **five hundred** thousand dollars ~~($150,000)~~ **($500,000);**

only if the project is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency. The review by the commission for higher education must be completed not later than ninety (90) days after the project is submitted for review.

SECTION 10. IC 21-34-6-6, AS ADDED BY P.L.2-2007, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** The board of trustees of a state educational institution may issue bonds for the purpose of:

(1) reimbursing the state educational institution for funds expended or advanced for interim financing of the cost of any building facility or facilities before the issuance of bonds for the facility or facilities; or

(2) subject **to subsection (b) and** to existing covenants and agreements with the holders of the outstanding obligations:

(A) funding outstanding obligations incurred or refunding outstanding bonds issued either under:

(i) this article; or

(ii) other applicable law;

for building facilities approved by the governor and the budget agency or its predecessor; or

(B) in part for funding or refunding purposes and in part for any other purpose authorized by this article; and

may secure the payment of the bonds as provided in this article.

(b) Bonds for refunding or advance refunding of any outstanding bonds approved under this article for which the general assembly has made a fee replacement appropriation may not be issued by a state educational institution under this chapter without the specific approval of the budget agency and before the board of trustees of the issuing state educational institution finds that the refunding or advance refunding will benefit the state educational institution because:

(1) a net savings to the state educational institution will be effected; or

(2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

The length of the term may not be extended for refunding or advance refunding bonds that are approved under this subsection compared to the term of the outstanding bonds being refunded.

SECTION 11. IC 21-34-10-7, AS AMENDED BY P.L.173-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** Bonds may be issued by the board of trustees of a state educational institution without the approval of the general assembly to finance a qualified energy savings project if annual operating savings to the state educational institution arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. However, the amount of bonds outstanding for the state educational institution ~~other than Ivy Tech Community College~~ at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described

in sections 3 and 4 of this chapter, **and except as provided in subsection (c),** may not exceed **the greater of:**

(1) fifteen million dollars ($15,000,000) for each campus of the state educational institution; **or**

(2) the product of:

(A) the total replacement value of all structures located on each campus of the state educational institution; multiplied by

(B) two percent (2%).

~~The amount of bonds outstanding for Ivy Tech Community College at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, may not exceed forty-five million dollars ($45,000,000).~~

(b) Bonds issued under this section are not eligible for fee replacement.

(c) If a particular qualified energy savings project for a state educational institution, other than Ivy Tech Community College, results in the amount of bonds outstanding at any time for all qualified energy savings projects for the state educational institution, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, to exceed fifteen million dollars ($15,000,000), the operating savings to the state educational institution arising from the implementation of that project must at least equal the original amount of bonds issued for that project in not more than ten (10) years.

P.L.144-2014
[H.1385. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning commercial law.

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

SECTION 1. IC 26-3-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. As used in this chapter, "electronic mail" means the transmission, by use of a computer or through other electronic means, of information or a communication that is sent to a person identified by a unique address.**

SECTION 2. IC 26-3-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. As used in this chapter, "last known address" means the **postal** address **or electronic mail address** provided to the owner by the renter:

(1) for the purposes of the latest rental agreement; or

(2) in a written notice of a change of **postal** address **or electronic mail address** after the latest rental agreement.

SECTION 3. IC 26-3-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. As used in this chapter, "personal property" means movable property not affixed to land. The term includes goods, wares, merchandise, ~~and~~ household items, **motor vehicles, and watercraft.**

SECTION 4. IC 26-3-8-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9.5. As used in this chapter, "verified mail" means any method of mailing that:**

(1) is offered by the United States Postal Service or a private delivery service; and

(2) provides evidence of mailing.

SECTION 5. IC 26-3-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) After a renter

has been in default continuously for **at least** thirty (30) days, an owner may begin enforcement of the owner's lien under this chapter.

(b) An owner enforcing the owner's lien under this chapter may:

(1) deny the renter access to the rented space; and

(2) move the renter's personal property from the rented space to another storage space pending ~~its~~ **the** redemption, sale, or other disposition **of the personal property** under this chapter.

(c) An owner enforcing the owner's lien shall send the renter, by ~~registered or certified~~ **electronic mail or verified** mail ~~(return receipt requested)~~ **and** addressed to the last known address of the renter, a written notice that includes:

(1) an itemized statement of the owner's claim showing the amount due at the time of the notice and the date when the amount became due;

(2) a demand for payment of the amount due before a specified time at least thirty (30) days after the date of the mailing of the notice;

(3) a statement that the contents of the renter's rented space are subject to the owner's lien;

(4) a statement advising the renter that the owner has denied the renter access to the rented space, if the owner has done this under subsection (b);

(5) a statement advising the renter that the owner has removed the renter's personal property from the rented space to another suitable storage space, if the owner has done this under subsection (b);

(6) the name, street address, and telephone number of the owner or of any other person the renter may contact to respond to the notice; and

(7) a conspicuous statement that unless the owner's claim is paid within the time stated under subdivision (2), the personal property:

(A) will:

(i) be advertised ~~for sale, or will be otherwise disposed of,~~ **to be sold in a manner permitted under section 15 of this chapter; or**

(ii) be otherwise disposed of;

at a specified place **(if applicable)** and time, which must be at least ninety (90) days after the renter's default; **or**

(B) will be disposed of in the manner described in subsection (d), if:

(i) the renter's personal property stored in the rented space is a motor vehicle or watercraft; and

(ii) the owner chooses to dispose of the renter's motor vehicle or watercraft in the manner permitted under subsection (d).

(d) If:

(1) the renter's personal property stored in the rented space is a motor vehicle or watercraft; and

(2) the renter does not pay the owner's claim within the time specified in subsection (c)(2);

as an alternative to conducting a sale under section 15 of this chapter, the owner may cause the renter's motor vehicle or watercraft to be towed or removed from the self-service storage facility.

~~(d)~~ **(e)** Any sale or other disposition of the personal property **undertaken by the owner** to enforce the owner's lien must ~~conform to~~ **be conducted in the same manner, and at the same place (if applicable) and time, specified by the owner in** the notice given under subsection (c)(7).

SECTION 6. IC 26-3-8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) After the expiration of the time stated in the owner's notice under section 12(c)(2) of this chapter, if the personal property has not been otherwise disposed of ~~under~~ **in** a ~~notice provided under~~ **manner described in** section ~~12(c)(7)~~ **12(c)(7)(A)(ii) or 12(c)(7)(B)** of this chapter, an owner enforcing the owner's lien shall prepare for a sale of the personal property under this section.

(b) **Except as otherwise permitted under subsection (c),** the owner shall cause an advertisement of sale to be published one (1) time before the date of the sale in a newspaper of general circulation in the county in which the self-service storage facility is located. The advertisement must include:

(1) a statement that the personal property stored in the renter's rented space will be sold to satisfy the owner's lien;

(2) the address of the self-service storage facility, the number or other designation (if any) of the space where the personal property is located, and the name of the renter; ~~and~~

(3) the ~~time, place, and~~ manner of the sale; **and**

(4) the time and place of the sale, as applicable.

(c) As an alternative to the publication described in subsection (b), the owner may advertise the sale in any other commercially reasonable manner that is likely to attract at least three (3) independent bidders to the sale. An advertisement by an alternative method permitted under this section must include the information required under subsection (b)(1) through (b)(4).

~~(c)~~ **(d)** The sale must be held at least ten (10) days after:

(1) the publication under subsection (b); **or**

(2) the first publication, transmission, or communication of an advertisement under subsection (c);

as applicable. If, after the publication, **transmission, or other communication** of notice under this section, the sale of the personal property is not consummated, the owner shall notify the renter in writing at the renter's last known address of the other disposition the owner intends for the property.

SECTION 7. IC 26-3-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Any sale of the personal property under this chapter shall be held:

(1) at the self-service storage facility or, if that facility is not a suitable place for a sale, at the suitable place nearest to where the property is held or stored; **or**

(2) through a publicly accessible Internet web site.

(b) The owner may buy the personal property at any sale under this chapter.

(c) An owner may satisfy the owner's lien from the proceeds of a sale under this chapter. If the proceeds of a sale under this chapter exceed the amount of the owner's lien, the owner shall hold the balance for delivery, upon demand, to the renter. If the renter does not claim the balance of the proceeds within one (1) year after the sale, the balance shall be treated as unclaimed property under IC 32-34-1.

SECTION 8. IC 26-3-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a)** This chapter does not impair the power of the parties to a rental agreement to create

rights, duties, or obligations that do not arise from this chapter. The rights provided to an owner by this chapter are in addition to all other rights provided by law to a creditor against a debtor.

(b) A rental agreement may specify a limit on the value of personal property that may be stored in a renter's rented space. If a rental agreement specifies a limit on the value of stored personal property under this subsection, the limit specified in the rental agreement is considered the maximum value of the renter's personal property stored in the renter's rented space.

P.L.145-2014
[H.1391. Approved March 25, 2014.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-22, AS AMENDED BY P.L.145-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. "Board" means the following:

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

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

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

SECTION 2. IC 12-7-2-44.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 44.6. "Countable asset" **means the following:**

(1) For purposes of IC 12-10-10.5, in determining eligibility for the community living pilot program, property that is included in determining assets in the same manner as

determining an individual's eligibility for the Medicaid aged and disabled waiver.

(2) For purposes of IC 12-20, ~~means~~ noncash property that is not necessary for the health, safety, or decent living standard of a household that:

~~(1)~~ **(A)** is owned wholly or in part by the applicant or a member of the applicant's household;

~~(2)~~ **(B)** the applicant or the household member has the legal right to sell or liquidate; and

~~(3)~~ **(C)** includes:

~~(A)~~ **(i)** real property other than property that is used for the production of income or that is the primary residence of the household;

~~(B)~~ **(ii)** savings and checking accounts, certificates of deposit, bonds, stocks, and other intangibles that have a net cash value; and

~~(C)~~ **(iii)** boats, other vehicles, or any other personal property used solely for recreational or entertainment purposes.

SECTION 3. IC 12-7-2-76, AS AMENDED BY P.L.145-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 76. (a) "Eligible individual", for purposes of:

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

(2) IC 12-10-10.5, has the meaning set forth in IC 12-10-10.5-3.

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

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

SECTION 4. IC 12-7-2-146, AS AMENDED BY SEA 24-2014, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 146. "Program" refers to the following:

(1) For purposes of IC 12-8-12.5, the meaning set forth in IC 12-8-12.5-1.

(2) For purposes of IC 12-10-7, the adult guardianship services program established by IC 12-10-7-5.

(3) For purposes of IC 12-10-10, the meaning set forth in IC 12-10-10-5.

(4) For purposes of IC 12-10-10.5, the meaning set forth in IC 12-10-10.5-4.

~~*(4)*~~ **(5)** *For purposes of* ~~*IC 12-17.2-2-14,*~~ **IC 12-17.2-2-14.2,** *the meaning set forth in* ~~*IC 12-17.2-2-14.*~~ **IC 12-17.2-2-14.2(a).**

~~*(5)*~~ **(6)** *For purposes of* ~~*IC 12-17.2-3.7,*~~ **IC 12-17.2-3.6,** *the meaning set forth in* ~~*IC 12-17.2-3.7-7.*~~ **IC 12-17.2-3.6-7.**

~~*(4)*~~ **(7)** *For purposes of* ~~*IC 12-17.2-3.7,*~~ **IC 12-17.2-3.8,** *the meaning set forth in* ~~*IC 12-17.2-3.7-5.*~~ **IC 12-17.2-3.8-2.**

~~*(5)*~~ ~~*(6)*~~ **(8)** For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-5.

SECTION 5. IC 12-10-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10.5. Community Living Pilot Program

Sec. 1. As used in this chapter, "board" refers to the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1.

Sec. 2. As used in this chapter, "case management" means an administrative function conducted locally by an area agency on aging that includes the following:

(1) Assessment of an individual to determine the individual's functional impairment level and corresponding need for services.

(2) Initial verification of an individual's income and assets.

(3) Development of a care plan that:

(A) addresses an eligible individual's needs;

(B) takes into consideration the individual's family and community members who are willing to provide services to meet any of the individual's needs; and

(C) is consistent with a person centered approach to client care.

(4) Supervision of the implementation of appropriate and available services for an eligible individual.

(5) Advocacy on behalf of an eligible individual's interests.

(6) Monitoring the quality of community and home care services provided to an eligible individual.

(7) Reassessment of the care plan to determine:

(A) the continuing need and effectiveness of the community and home care services provided to an eligible individual under this chapter; and

(B) the annual reverification of an eligible individual's income and assets, as may be required by the division under section 3(d) of this chapter.

(8) Provision of information and referral services to individuals in need of community and home care services.

Sec. 3. (a) As used in this chapter, "eligible individual" means an individual who meets the following criteria:

(1) Is a resident of Indiana.

(2) Is:

(A) at least sixty (60) years of age; or

(B) an individual with a disability.

(3) Has countable assets that do not exceed two hundred fifty thousand dollars ($250,000). In determining assets under this subdivision, the division shall exclude an additional twenty thousand dollars ($20,000) in countable assets.

(4) Qualifies under criteria developed by the board as having an impairment that places the individual at risk of losing the individual's independence, as described in subsection (b).

(5) Applies initially for the program after December 31, 2014.

(b) For purposes of subsection (a), an individual is at risk of losing the individual's independence if the individual is unable to perform any of the following:

(1) Two (2) or more activities of daily living. The use by or on behalf of the individual of any of the following services or devices does not make the individual ineligible for services under this chapter:

(A) Skilled nursing assistance.

(B) Supervised community and home care services, including skilled nursing supervision.

(C) Adaptive medical equipment and devices.

(D) Adaptive nonmedical equipment and devices.

(2) One (1) activity of daily living if, using the needs based assessment established under section 10(1) of this chapter and in accordance with written standards that are established by the division under section 5(c) of this chapter, the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(3) An activity if, using the needs based assessment established under section 10(1) of this chapter and in accordance with written standards that are established by the division under section 5(c) of this chapter, the area agency on aging determines that targeted intervention or assistance with the activity would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(c) The division shall, in accordance with standards established under section 10(3) of this chapter, establish a cost participation schedule for an eligible individual based on the eligible individual's income and countable assets. The cost participation schedule must meet the following:

(1) Exclude from cost participation an eligible individual whose income and countable assets do not exceed one hundred fifty percent (150%) of the federal income poverty level.

(2) In calculating income and countable assets for an eligible individual, deduct the medical expenses of the following:

(A) The individual.

(B) The spouse of the individual.

(C) The dependent children of the individual.

(3) Exclude twenty thousand dollars ($20,000) of an eligible individual's countable assets from consideration in determining an eligible individual's cost participation.

(d) The division may require annual reverification for eligible individuals who the division determines are likely to experience a material increase in income or assets. An individual shall submit the information requested by the division to carry out the redetermination allowed by this subsection.

(e) The division may not require a family or other person to provide services as a condition of an individual's eligibility for or participation in the program.

Sec. 4. As used in this chapter, "program" refers to the community living pilot program established by section 5 of this chapter.

Sec. 5. (a) Beginning January 1, 2015, the community living pilot program is established.

(b) The division shall administer the program. The division shall do the following:

(1) In consultation with the area agencies on aging, designate four (4) area agencies on aging to participate in the program. In determining the four (4) area agencies on aging to participate in the program, the division shall consider the following criteria:

(A) Geographic diversity.

(B) Urban and rural representation.

(C) Size of the area agency on aging's waiting list for services.

(D) Size of the population served by the area agency on aging.

(2) Report data and outcome measures concerning the program to the board and, in an electronic format under IC 5-14-6, to the legislative council and an appropriate interim study committee determined by the legislative council before the following:

(A) March 15, 2016.

(B) September 15, 2016.

(C) March 15, 2017.

Each report under this subdivision must include an analysis on the areas participating in the program and whether implementation of the program has affected the admission of individuals to comprehensive care beds in nursing facilities in the area.

(c) The division shall establish written standards setting forth criteria that the area agency on aging shall use in determining whether an individual who is unable to perform one (1) activity of daily living or one (1) activity is eligible for the program. An area agency on aging may not determine that an individual who is

unable to perform one (1) activity of daily living or one (1) activity is eligible for the program until the division establishes the standards required by this subsection.

Sec. 6. (a) Except as provided in subsection (b), the case management under this chapter of an individual leading to participation in the program may not be conducted by any agency that delivers services under the program.

(b) If the division determines that there is no alternative agency capable of delivering services to the individual, the area agency on aging that performs the assessment under the program may also deliver the services.

(c) The division shall provide the necessary funding to provide case management services for the program, as determined under section 10(2) of this chapter.

Sec. 7. Except as provided in section 8 of this chapter, state money for home health services under this chapter must be distributed only to licensed health care professionals, facilities, and agencies.

Sec. 8. The division shall establish a program to train relatives of eligible individuals to provide homemaker and personal care services to those eligible individuals.

Sec. 9. The office of the secretary, in consultation with the local area agencies on aging, shall negotiate reimbursement rates for services provided under this chapter.

Sec. 10. The division, in consultation with the area agencies on aging, shall develop policies that establish the following:

(1) A needs based assessment to be used in determining a client's needs and care plan under section 2(3) of this chapter.

(2) The percentage of program dollars adequate to provide case management services.

(3) A cost participation schedule for program recipients as required by section 3(c) of this chapter.

(4) Program performance measures.

(5) Data and outcome measures for the program to be collected and reported under section 5(b)(2) of this chapter.

Sec. 11. The division may do the following:

(1) Audit an area agency on aging for compliance with this chapter.

(2) Impose a penalty on an area agency on aging for any violation of this chapter.

Sec. 12. This chapter expires June 30, 2017.

SECTION 6. IC 12-15-12-14 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 14. (a) This section applies to a Medicaid recipient:~~

~~(1) who is determined by the office to be eligible for enrollment in a Medicaid managed care program;~~

~~(2) whose Medicaid eligibility is not based on the individual's aged, blind, or disabled status; and~~

~~(3) who resides in a county having a population of:~~

~~(A) more than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000);~~

~~(B) more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000);~~

~~(C) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);~~

~~(D) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or~~

~~(E) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

~~(b) Not later than January 1, 2003, the office shall require a recipient described in subsection (a) to enroll in the risk-based managed care program.~~

~~(c) The office:~~

~~(1) shall apply to the United States Department of Health and Human Services for any approval necessary; and~~

~~(2) may adopt rules under IC 4-22-2;~~

~~to implement this section.~~

SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "long term care services" refers to services provided in any setting that an individual who is aged or has a disability or chronic condition needs in order to perform an activity of daily living or other daily tasks.**

(b) Before December 1, 2014, the office of the secretary of family and social services, in conjunction with the state department of health and the office of management and budget, shall provide a written report in electronic format under IC 5-14-6 to the general assembly that includes the following:

(1) A review of excess skilled nursing facility bed capacity, the effect the excess capacity has on the efficient operation of a skilled nursing facility, and the quality of health care delivered to individuals in these settings.

(2) An analysis of previous Indiana policies for reducing the excess capacity of skilled nursing facility bed capacity and other states' approaches to reduce skilled nursing home bed capacity.

(c) Before October 1, 2015, the office of the secretary of family and social services, in conjunction with the state department of health and the office of management and budget, shall provide a written report in electronic format under IC 5-14-6 to the general assembly that includes the following:

(1) A review of all current long term care services available in Indiana, including regulated and unregulated methods of service delivery.

(2) An analysis of:

(A) past policies implemented in Indiana; and

(B) other states' approaches;

to serve individuals in a home and community based setting and in an institutional care setting more efficiently and cost effectively through the use of emerging technologies, including telemedicine and remote patient monitoring.

(3) An analysis of demographic trends by:

(A) payor sources; and

(B) demand and utilization of long term care services options;

statewide and by county or other geographic setting.

(4) An analysis of program and policy options for long term care services where demand exceeds current capacity for providing the services.

(5) A review of Medicaid reimbursement for skilled nursing facility care, and a determination concerning whether:

(A) the reimbursement methodology should be modified to reflect current and future care models; and

(B) incentives should be included in reimbursement for quality care and quality outcomes.

(6) An analysis of past policies in Indiana and other states' approaches to manage construction of additional skilled

nursing facilities, including certificates of need and moratoriums. The analysis must include the following:

(A) The costs and benefits to Indiana's budget and the Medicaid program in whether or not additional skilled nursing facilities are built, including the impact on Medicaid utilization for skilled nursing services.

(B) The impact of additional skilled nursing facilities on the availability and cost of capital for the renovation and new construction of skilled nursing facilities, residential care facilities, assisted living facilities, and other senior housing options.

(d) In conducting the reports required by this SECTION, the office of the secretary of family and social services shall collaborate with the following:

(1) An academic institution researching the areas described in subsection (b).

(2) Consumer advocacy organizations representing the individuals who receive long term care services.

(3) Indiana area agencies on aging.

(4) Representatives of the following:

(A) Nursing facilities.

(B) Assisted living facilities.

(C) Home health care agencies.

(D) Hospitals.

(E) Any other long term care services providers.

(e) This SECTION expires December 31, 2015.

SECTION 8. [EFFECTIVE JULY 1, 2014] **(a) Before December 1, 2016, the office of the secretary of family and social services shall report to the budget committee and, in an electronic format under IC 5-14-6, to the general assembly on the following concerning any Medicaid risk-based managed care program that includes Medicaid recipients who are eligible for Medicaid based on the individual's aged, blind, or disabled status:**

(1) Recipient access to health care providers and medical care.

(2) Methods developed and employed to improve care coordination.

(3) Enhanced services provided by managed care organizations.

(4) Impact on the consistency and quality of care in the delivery of medical care.

(5) Impact on Medicaid spending.

(6) Any other information the secretary of family and social services deems appropriate.

(b) This SECTION expires June 30, 2017.

SECTION 9. **An emergency is declared for this act.**

P.L.146-2014

[H.1198. Approved March 25, 2014.]

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

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

SECTION 1. IC 4-5-10-1, AS AMENDED BY P.L.114-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section, "person" includes:

(1) an individual engaged in a trade or business; and

(2) a business entity or association described in IC 23.

(b) The office of technology established by IC 4-13.1-2-1 and the secretary of state shall establish policies and procedures for providing electronic and enhanced access under this chapter to create and maintain uniform policies and procedures for electronic and enhanced access by the public.

(c) The secretary of state, in collaboration with other state agencies, **including the department of workforce development and the department of state revenue,** shall develop and maintain an Internet web site through which a person is able to submit information simultaneously to the secretary of state and other state agencies about the person's formation, existence, or other trade, business, business

entity, or association activities for the purpose of complying with the requirements of state law, including requirements concerning:

(1) pre-establishment;

(2) establishment;

(3) registration;

(4) reinstatement;

~~(4)~~ **(5)** licenses or permits;

~~(5)~~ **(6)** filings or reports; and

~~(6)~~ **(7)** transacting payments or refunds.

The secretary of state shall assign to each business entity registered through the Internet web site a unique business identification number. The secretary of state, the department of state revenue, the department of workforce development, and other state agencies sharing information on the Internet web site relating to a business entity shall use the business entity's unique business identification number.

(d) If the secretary of state requests assistance from a state agency in the development and maintenance of the Internet web site described in subsection (c), the state agency, **including the department of workforce development and the department of state revenue,** shall furnish the requested assistance. **The assistance shall be provided at no cost to the secretary of state.**

(e) The secretary of state shall annually, on or before November 1, report to the legislative council about the progress of the Internet web site described in subsection (c). The report must be made:

(1) in an electronic format submitted in accordance with IC 5-14-6; and

(2) in person, if requested by the legislative council.

SECTION 2. IC 6-8.1-3-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 23. The department shall, in coordination with the secretary of state, use the Internet web site established under IC 4-5-10 to share information with other state agencies and to provide a single point of contact for any person to accomplish the following:**

(1) Completing and submitting an application for a license, registration, or permit that is issued by the department and

that is required for the applicant to transact business in the state.

(2) Filing with the department documents that are required for the filer to transact business in the state.

(3) Remitting payments for any fee that must be paid to the department for a payer to transact business in the state, including application fees, filing fees, license fees, permit fees, and registration fees.

SECTION 3. IC 22-4.1-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. The department shall, in coordination with the secretary of state, use the Internet web site established under IC 4-5-10 to share information with other state agencies and to provide a single point of contact for any person to accomplish the following:**

(1) Completing and submitting an application for a license, registration, or permit that is issued by the department and that is required for the applicant to transact business in the state.

(2) Filing with the department documents that are required for the filer to transact business in the state.

(3) Remitting payments for any fee that must be paid to the department for a payer to transact business in the state, including application fees, filing fees, license fees, permit fees, and registration fees.

P.L.147-2014
[S.3. Approved March 26, 2014.]

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

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

SECTION 1. IC 35-31.5-2-177.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 177.7. "Judicial officer", for purposes of IC 35-42-2-1 and IC 35-47-16, means an individual who holds one (1) of the following offices or appointments:**

(1) Justice of the supreme court.
(2) Judge of the court of appeals.
(3) Judge of the tax court.
(4) Judge of a circuit court.
(5) Judge of a superior court.
(6) Judge of a probate court.
(7) Judge of a city court.
(8) Judge of a town court.
(9) Judge of a small claims court.
(10) A judge pro tempore, a senior judge, a temporary judge, or any other individual serving as judge in an action or a proceeding in an Indiana court.
(11) Magistrate.

SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.158-2013, SECTION 420, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section, "public safety official" means:

(1) a law enforcement officer, including an alcoholic beverage enforcement officer;
(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);

(3) an employee of the department of correction;
(4) a probation officer;
(5) a parole officer;
(6) a community corrections worker;
(7) a home detention officer;
(8) a department of child services employee;
(9) a firefighter; ~~or~~
(10) an emergency medical services provider; **or**
(11) a judicial officer.

(b) Except as provided in subsections (c) through (j), a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner; or
(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(c) The offense described in subsection (b)(1) or (b)(2) is a Class A misdemeanor if it results in bodily injury to any other person.

(d) The offense described in subsection (b)(1) or (b)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.
(2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).
(6) The offense is committed against a family or household member (as defined in IC 35-31.5-2-128) if the person who committed the offense:

(A) is at least eighteen (18) years of age; and

(B) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(e) The offense described in subsection (b)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(f) The offense described in subsection (b)(1) or (b)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for battery against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(D) An endangered adult (as defined in IC 12-10-3-2).

(g) The offense described in subsection (b)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and

(2) the person placed the bodily fluid or waste on a public safety official.

(h) The offense described in subsection (b)(1) or (b)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(i) The offense described in subsection (b)(1) or (b)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen

(14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(j) The offense described in subsection (b)(1) or (b)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) An endangered adult (as defined in IC 12-10-3-2).

SECTION 3. IC 35-47-11.1-4, AS AMENDED BY P.L.6-2012, SECTION 232, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. This chapter may not be construed to prevent any of the following:

(1) A law enforcement agency of a political subdivision from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by law enforcement officers in the course of their official duties.

(2) Subject to IC 34-28-7-2, an employer from regulating or prohibiting the employees of the employer from carrying firearms and ammunition in the course of the employee's official duties.

(3) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of the court or judge.

(4) The enactment or enforcement of generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar businesses. However, a provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is void. A unit (as defined in IC 36-1-2-23) may not use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

(5) **Subject to IC 35-47-16-1,** the enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in any building that contains the courtroom of a circuit, superior, city, town, or small claims court. However, if a portion of the building is occupied by a residential tenant or private business, any provision restricting or prohibiting the possession of a firearm

does not apply to the portion of the building that is occupied by the residential tenant or private business, or to common areas of the building used by a residential tenant or private business.

(6) The enactment or enforcement of a provision prohibiting or restricting the intentional display of a firearm at a public meeting.

(7) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a public hospital corporation that contains a secure correctional health unit that is staffed by a law enforcement officer twenty-four (24) hours a day.

(8) The imposition of any restriction or condition placed on a person participating in:

(A) a community corrections program (IC 11-12-1);

(B) a forensic diversion program (IC 11-12-3.7); or

(C) a pretrial diversion program (IC 33-39-1).

(9) The enforcement or prosecution of the offense of criminal recklessness (IC 35-42-2-2) involving the use of a firearm.

(10) For an event occurring on property leased from a political subdivision or municipal corporation by the promoter or organizer of the event:

(A) the establishment, by the promoter or organizer, at the promoter's or organizer's own discretion, of rules of conduct or admission upon which attendance at or participation in the event is conditioned; or

(B) the implementation or enforcement of the rules of conduct or admission described in clause (A) by a political subdivision or municipal corporation in connection with the event.

(11) The enactment or enforcement of a provision prohibiting or restricting the possession of a firearm in a hospital established and operated under IC 16-22-2 or IC 16-23.

(12) A unit from using the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(13) **Subject to IC 35-47-16-1,** a unit (as defined in IC 36-1-2-23) from enacting or enforcing a provision prohibiting or restricting the possession of a firearm in a building owned or administered by the unit if:

(A) metal detection devices are located at each public entrance to the building;

(B) each public entrance to the building is staffed by at least one (1) law enforcement officer:

(i) who has been adequately trained to conduct inspections of persons entering the building by use of metal detection devices and proper physical pat down searches; and

(ii) when the building is open to the public; and

(C) each:

(i) individual who enters the building through the public entrance when the building is open to the public; and

(ii) bag, package, and other container carried by the individual;

is inspected by a law enforcement officer described in clause (B).

However, except as provided in subdivision (5) concerning a building that contains a courtroom, a unit may not prohibit or restrict the possession of a handgun under this subdivision in a building owned or administered by the unit if the person who possesses the handgun has been issued a valid license to carry the handgun under IC 35-47-2.

SECTION 4. IC 35-47-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 16. Possession of Firearms by Judicial Officers

Sec. 1. A judicial officer:

(1) may possess and use a firearm in the same locations that a law enforcement officer who is authorized to carry a firearm under IC 5-2-1 may possess a firearm while the law enforcement officer is engaged in the execution of the law enforcement officer's official duties; and

(2) may not be prohibited from possessing a firearm on land or in buildings and other structures owned or leased by:

(A) the state or any agency of state government; or

(B) a political subdivision (as defined in IC 3-5-2-38).

Sec. 2. A judicial officer who possesses a firearm as described in section 1 of this chapter has the same civil and criminal immunities

and defenses concerning possession and use of the firearm that a law enforcement officer has when the law enforcement officer:

(1) possesses and uses a firearm; and

(2) is engaged in the execution of the law enforcement officer's official duties.

P.L.148-2014

[S.63. Approved March 26, 2014.]

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

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

SECTION 1. IC 35-46-1-5, AS AMENDED BY P.L.158-2013, SECTION 552, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who knowingly or intentionally fails to provide support to the person's dependent child commits nonsupport of a child, a Level 6 felony. However, the offense is a Level 5 felony if ~~the total amount of unpaid support that is due and owing for one (1) or more children is at least fifteen thousand dollars ($15,000).~~ **the person has a previous conviction under this section.**

(b) It is a defense that the child had abandoned the home of the child's family without the consent of the child's parent or on the order of a court, but it is not a defense that the child had abandoned the home of the child's family if the cause of the child's leaving was the fault of the child's parent.

(c) It is a defense that the accused person, in the legitimate practice of the person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the person's dependent child.

(d) It is a defense that the accused person was unable to provide support.

SECTION 2. IC 35-50-2-6, AS AMENDED BY P.L.158-2013, SECTION 659, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a Class C felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

~~(b) Notwithstanding subsection (a), if a person has committed nonsupport of a child as a Class C felony under IC 35-46-1-5 (for a crime committed before July 1, 2014), upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Class D felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Class D felony under this subsection.~~

~~(c)~~ **(b)** A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory sentence being two (2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

~~(d) Notwithstanding subsection (c), if a person has committed nonsupport of a child as a Level 5 felony under IC 35-46-1-5 (for a crime committed after June 30, 2014), upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Level 6 felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Level 6 felony under this subsection.~~

(c) Notwithstanding subsections (a) and (b), if a person commits nonsupport of a child as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014) under IC 35-46-1-5, the sentencing court may convert the Class C felony conviction to a Class D felony conviction or a Level 5 felony conviction to a Level 6 felony conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing in which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person has successfully completed probation as required by the person's sentence.

(2) The person has satisfied other obligations imposed on the person as required by the person's sentence.

(3) The person has paid in full all child support arrearages due that are named in the information and no further child support arrearage is due.

(4) The person has not been convicted of another felony since the person was sentenced for the underlying nonsupport of a child felony.

(5) There are no criminal charges pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth the following:

(1) A statement that the person was convicted of nonsupport of a child under IC 35-46-1-5.

(2) The date of the conviction.

(3) The date the person completed the person's sentence.

(4) The amount of the child support arrearage due at the time of conviction.

(5) The date the child support arrearage was paid in full.

(6) A verified statement that no further child support arrearage is due.

(7) Any other obligations imposed on the person as part of the person's sentence.

(8) The date the obligations were satisfied.

(9) A verified statement that there are no criminal charges pending against the person.

(e) A person whose conviction has been converted to a lower penalty under this section is eligible to seek expungement under IC 35-38-9-3 with the date of conversion used as the date of conviction to calculate time frames under IC 35-38-9.

P.L.149-2014
[S.118. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-14-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. (a) The definitions in this section apply throughout this chapter.**

(b) "Obligation" means any bond, note, warrant, lease, or other instrument under which money is borrowed.

(c) "Public funds" means all fees, payments, tax receipts, and funds of whatever kind or character coming into the possession of a:

(1) redevelopment commission; or

(2) department of redevelopment.

SECTION 2. IC 36-7-14-2.5, AS AMENDED BY P.L.221-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The assessment, planning, replanning, remediation, development, and redevelopment of economic development areas:

(1) are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise because of:

(A) the necessity for requiring the proper use of the land so as to best serve the interests of the county and its citizens; and

(B) the costs of these projects;

(2) will:

(A) benefit the public health, safety, morals, and welfare;

(B) increase the economic well-being of the unit and the state; and

(C) serve to protect and increase property values in the unit and the state; and

(3) are public uses and purposes for which public money may be spent and private property may be acquired.

(b) This section and sections 41 and 43 of this chapter shall be liberally construed to carry out the purposes of this section.

(c) Except as provided in subsection (d), a redevelopment commission may not enter into any obligation payable from public funds without first obtaining the approval, by ordinance or resolution, of the legislative body of the unit.

(d) A redevelopment commission is not required to obtain the approval of the legislative body of the unit under this section if:

(1) the obligation is for the acquisition of real property under this chapter; and

(2) the agreement to acquire the real property requires the redevelopment commission to:

(A) make payments for the real property to be acquired for a term of three (3) years or less; or

(B) purchase the real property for a cost of less than five million dollars ($5,000,000).

A redevelopment commission may not enter into an obligation payable from public funds, other than an obligation described in this subsection, unless the redevelopment commission first obtains the approval of the legislative body of the unit as provided in subsection (c).

(e) The approving ordinance or resolution of a legislative body under subsection (c) must include the following:

(1) The maximum amount of the obligation.

(2) The maximum interest rate or rates, any provisions for redemption before maturity, and any provisions for the payment of capitalized interest associated with the obligation.

(3) The maximum term of the obligation.

SECTION 3. IC 36-7-14-3, AS AMENDED BY P.L.190-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A unit may establish a department of redevelopment controlled by a board of five (5) members to be known as "_____ Redevelopment Commission", designating the name of the municipality or county. However, in the case of a county, the

county executive may adopt an ordinance providing that the county redevelopment commission consists of seven (7) members.

(b) A redevelopment commission and a department of redevelopment are subject to oversight by the legislative body of the unit, including a review by the legislative body of the commission's and department's annual budget. A redevelopment commission and a department of redevelopment are:

(1) subject to audit by the state board of accounts under IC 5-11;

(2) covered by IC 5-14-1.5 (the public meetings law); and

(3) covered by IC 5-14-3 (the public records law).

~~(b)~~ **(c)** Subject to section 3.5 of this chapter, all of the territory within the corporate boundaries of a municipality constitutes a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in this chapter. Subject to section 3.5 of this chapter, all of the territory in a county, except that within a municipality that has a redevelopment commission, constitutes a taxing district for a county.

~~(c)~~ **(d)** All of the taxable property within a taxing district is considered to be benefited by redevelopment projects carried out under this chapter to the extent of the special taxes levied under this chapter.

SECTION 4. IC 36-7-14-8, AS AMENDED BY P.L.190-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on the first day in January that is not a Saturday, a Sunday, or a legal holiday. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The **fiscal officer of the unit establishing a** redevelopment commission ~~may appoint a treasurer who need not be a member~~ **is the treasurer** of the redevelopment commission. ~~The redevelopment commission may provide for the payment of compensation to a treasurer who is not a member of the redevelopment commission.~~ Notwithstanding any other provision of this chapter, the treasurer has charge over and is responsible for the administration, investment, and

disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of ~~this chapter. However, the treasurer may not perform any duties of the fiscal officer or any other officer of the unit that are prescribed by section 24 of this chapter or by any provisions of this chapter that pertain to the issuance and sale of bonds, notes, or warrants of the special taxing district.~~ **state laws that apply to other funds and accounts administered by the fiscal officer. The treasurer shall report annually to the fiscal body of the unit before July 1.**

(c) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(d) This subsection does not apply to a county redevelopment commission that consists of seven (7) members. Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

(e) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.

SECTION 5. IC 36-7-14-12.2, AS AMENDED BY P.L.221-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.2. (a) The redevelopment commission may do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing

redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(7) Repair and maintain structures acquired for redevelopment purposes.

(8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

(9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of that land.

(10) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commissioners.

(11) Institute or defend in the name of the unit any civil action.

(12) Use any legal or equitable remedy that is necessary or

considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

~~(13) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by section 20 of this chapter.~~

~~(14)~~ **(13)** Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

~~(15)~~ **(14)** Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

~~(16)~~ **(15)** Prescribe the duties and regulate the compensation of employees of the department of redevelopment.

~~(17)~~ **(16)** Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

~~(18)~~ **(17)** Discharge and appoint successors to employees of the department of redevelopment subject to subdivision ~~(15).~~ **(14).**

~~(19)~~ **(18)** Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.

~~(20)~~ **(19)** Equip the offices of the department of redevelopment with the necessary furniture, furnishings, equipment, records, and supplies.

~~(21)~~ **(20)** Expend, on behalf of the special taxing district, all or any part of the money of the special taxing district.

~~(22)~~ **(21)** Contract for the construction of:

(A) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or

(B) any structure that enhances development or economic development.

~~(23)~~ **(22)** Contract for the construction, extension, or improvement of pedestrian skyways.

~~(24)~~ **(23)** Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a

municipal corporation, a special taxing district, a foundation, or any other source.

~~(25)~~ **(24)** Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units **in a multiple unit residential structure** within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.

~~(26)~~ **(25)** Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision ~~(25)~~; **(24);** or

(B) construct, rehabilitate, or repair commercial property within the district.

~~(27)~~ **(26)** Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and

(C) at an affordable rate.

(b) Conditions imposed by the commission under subsection ~~(a)(27)~~ **(a)(26)** remain in force throughout the period determined under subsection ~~(a)(27)(A)~~, **(a)(26)(A),** even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(c) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(d) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes

under IC 36-7-14.5. **However, if a power pertains to issuing bonds or incurring an obligation, the exercise of the power must first be specifically approved by the fiscal or legislative body of the unit, whichever applies.**

(e) A commission may not exercise the power of eminent domain.

SECTION 6. IC 36-7-14-12.3, AS AMENDED BY P.L.221-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.3. IC 5-16-7 applies to:

(1) a person that enters into a contract with a redevelopment commission to perform construction work referred to in section 12.2(a)(4), 12.2(a)(7), **12.2(a)(21), or** 12.2(a)(22) ~~or 12.2(a)(23)~~ of this chapter; and

(2) a subcontractor of a person described in subdivision (1);

with respect to the construction work referred to in subdivision (1).

SECTION 7. IC 36-7-14-12.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.4. Notwithstanding any other provision in this chapter, after June 30, 2014:**

(1) a redevelopment commission;

(2) a department of redevelopment; or

(3) any other entity:

(A) established by the commission or department; or

(B) controlled by the commission or a member of the commission regardless of any pecuniary interest the member may have;

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, a commission, department, or entity covered by this section may own property in the capacity of a land bank for a unit.

SECTION 8. IC 36-7-14-13, AS AMENDED BY P.L.218-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Not later than March 15 of each year, the redevelopment commissioners or their designees shall file with the

unit's executive a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(e) Before August 1 each year, the redevelopment commissioners shall also submit a report to the fiscal body of the unit. The report must include the following information set forth for each tax increment financing district regarding the previous year:

(1) Revenues received.

(2) Expenses paid.

(3) Fund balances.

(4) The amount and maturity date for all outstanding obligations.

(5) The amount paid on outstanding obligations.

(6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.

Before October 1 each year, the fiscal body shall compile the reports received for all the tax increment financing districts and submit a comprehensive report to the department of local government finance in the form required by the department of local government finance.

(e) A redevelopment commission and a department of redevelopment are subject to the same laws, rules, and ordinances of a general nature that apply to all other commissions or departments of the unit.

SECTION 9. IC 36-7-14-15, AS AMENDED BY P.L.172-2011, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Whenever the redevelopment commission finds that:

(1) an area in the territory under its jurisdiction is an area needing redevelopment;

(2) the conditions described in IC 36-7-1-3 cannot be corrected in the area by regulatory processes or the ordinary operations of private enterprise without resort to this chapter;

(3) the public health and welfare will be benefited by:

(A) the acquisition and redevelopment of the area under this chapter as a redevelopment project area; or

(B) the amendment of the resolution or plan, or both, for an existing redevelopment project area; and

(4) in the case of an amendment to the resolution or plan for an existing redevelopment project area:

(A) the amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter; and

(B) the resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit;

the commission shall cause to be prepared the data described in subsection (b).

(b) After making a finding under subsection (a), the commission shall cause to be prepared:

(1) maps and plats showing:

(A) the boundaries of the area in which property would be acquired for, or otherwise affected by, the establishment of a redevelopment project area; or the amendment of the resolution or plan for an existing area;

(B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, indicating any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the redevelopment project area; or the amendment of the resolution or plan for an existing area; and

(C) the parts of the area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the redevelopment plan;

(2) lists of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the establishment of an area or the amendment of the resolution or plan for an existing area; and

(3) an estimate of the costs, if any, to be incurred for the acquisition and redevelopment of property.

(c) This subsection applies to the initial establishment of a redevelopment project area. After completion of the data required by subsection (b), the redevelopment commission shall adopt a resolution declaring that:

(1) the area needing redevelopment is a menace to the social and economic interest of the unit and its inhabitants;

(2) it will be of public utility and benefit to acquire the area and redevelop it under this chapter; and

(3) the area is designated as a redevelopment project area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area, and that the department of redevelopment proposes to acquire all of the interests in the land within the boundaries, with certain designated exceptions, if there are any.

(d) This subsection applies to the amendment of the resolution or plan for an existing redevelopment project area. After completion of the data required by subsection (b), the redevelopment commission shall adopt a resolution declaring that:

(1) it will be of public utility and benefit to amend the resolution or plan for the area; and

(2) any additional area to be acquired under the amendment is designated as part of the existing redevelopment project area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area, including any changes made to those boundaries by the amendment, and describe the activities that the department of redevelopment is permitted to take under the amendment, with any designated exceptions. **The resolution and all supporting information shall be submitted to the legislative body of the unit**

establishing the redevelopment commission for approval. The legislative body must approve the additional area as part of the redevelopment project area for purposes of this chapter.

(e) For the purpose of adopting a resolution under subsection (c), or (d), it is sufficient to describe the boundaries of the redevelopment project area by its location in relation to public ways or streams, or otherwise, as determined by the commissioners. Property excepted from the application of a resolution may be described by street numbers or location.

SECTION 10. IC 36-7-14-19, AS AMENDED BY P.L.185-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) If no appeal is taken or if an appeal is taken but is unsuccessful, the redevelopment commission shall proceed with the proposed project to the extent that money is available for that purpose.

(b) The redevelopment commission shall first approve and adopt a list of the real property and interests in real property to be acquired and the price to be offered to the owner of each parcel of interest. The prices to be offered may not exceed the average of two (2) independent appraisals of fair market value procured by the commission except that appraisals are not required in transactions with other governmental agencies. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than ten thousand dollars ($10,000), the second appraisal may be made by a qualified employee of the department of redevelopment. The prices indicated on the list may not be exceeded unless specifically authorized by the commission or ordered by a court in condemnation proceedings. The commission may except from acquisition any real property in the area if the commission finds that such an acquisition is not necessary under the redevelopment plan. Appraisals made under this section are for the information of the commission and are not open for public inspection.

(c) Negotiations for the purchase of property may be carried on directly by the redevelopment commission, by its employees, or by expert negotiations, but no option, contract, or understanding relative to the purchase of real property is binding on the commission until approved and accepted by the commission in writing. The commission may authorize the payment of a nominal fee to bind an option and as a

part of the consideration for conveyance may agree to pay the expense incident to the conveyance and determination of the title of the property. Payment for the property purchased shall be made when and as directed by the commission but only on delivery of proper instruments conveying the title or interest of the owner to the "City (Town or County) of _____ for the use and benefit of its department of redevelopment". **Notwithstanding the other provisions of this subsection, any agreement by the commission to:**

(1) make payments for the property to be purchased for a term exceeding three (3) years; or

(2) pay a purchase price for the property that exceeds five million dollars ($5,000,000);

is subject to the prior approval of the legislative body of the unit.

(d) All real property and interests in real property acquired by the redevelopment commission are free and clear of all liens, assessments, and other governmental charges except for current property taxes, which shall be prorated to the date of acquisition.

(e) Notwithstanding subsections (a) through (d), the redevelopment commission may, before the time referred to in this section, accept gifts of property needed for the redevelopment of redevelopment project areas if the property is free and clear of all liens other than taxes, assessments, and other governmental charges. The commission may, before the time referred to in this section, take options on or contract for the acquisition of property needed for the redevelopment of redevelopment project areas if the options and contracts are not binding on the commission or the district until the time referred to in this section and until money is available to pay the consideration set out in the options or contracts.

SECTION 11. IC 36-7-14-20, AS AMENDED BY P.L.146-2008, SECTION 730, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) ~~Subject to the approval of~~ **If** the legislative body of the unit that established the department of redevelopment ~~if the redevelopment commission~~ considers it necessary to acquire real property in a redevelopment project area by the exercise of the power of eminent domain, the ~~commission~~ **legislative body** shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the unit on

behalf of the department of redevelopment, in the circuit or superior court of the county in which the property is situated.

(b) Eminent domain proceedings under this section are governed by IC 32-24 and other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired under this section, but property belonging to the state or any political subdivision may not be acquired without its consent.

(c) The court having jurisdiction shall direct the clerk of the circuit court to execute a deed conveying the title of real property acquired under this section to the unit for the use and benefit of its department of redevelopment.

SECTION 12. IC 36-7-14-22.5, AS AMENDED BY P.L.118-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22.5. (a) This section applies to the following:

(1) Real property:

(A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and

(B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development activity, or urban renewal activity in the project area.

(2) Real property acquired under this chapter that is not in a redevelopment project area, economic development area, or an urban renewal project area.

(3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

(4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 32.5 of this chapter **(before its repeal).**

(b) The commission may do the following to or for real property described in subsection (a):

(1) Examine, classify, manage, protect, insure, and maintain the property.

(2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.

(3) Control the use of the property.

(4) Lease the property.

(5) Use any powers under section 12.2 of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) **Subject to the prior approval by the legislative body of the unit,** real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

(1) In accordance with section 22, 22.2, 22.6, or 22.7 of this chapter.

(2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17 or IC 36-7-17.1.

The commission shall provide to the legislative body of the unit at a public meeting all the information supporting the action the commission proposes to take under this subsection, including any terms and conditions to which the commission would have to agree to carry out the action.

(f) In disposing of real property under subsection (e), the commission may:

(1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and

(2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 13. IC 36-7-14-25.1, AS AMENDED BY P.L.203-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this

chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by **bond** resolution and subject to ~~subsection~~ **subsections (c) and** (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

(1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;

(2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;

(3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and

(4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) **The legislative body of the unit must adopt a resolution that specifies the public purpose of the bond, the use of the bond proceeds, the maximum principal amount of the bond, the term of the bond, and the maximum interest rate or rates of the bond, any provision for redemption before maturity, and any provision for the payment of capitalized interest.** The bonds must be dated as set forth in the bond resolution and negotiable, subject to the requirements of the bond resolution for registering the bonds. The resolution authorizing the bonds must state:

(1) the denominations of the bonds;

(2) the place or places at which the bonds are payable; and

(3) the term of the bonds, which may not exceed:

(A) fifty (50) years, for bonds issued before July 1, 2008;

(B) thirty (30) years, for bonds issued after June 30, 2008, to finance:

(i) an integrated coal gasification powerplant (as defined in IC 6-3.1-29-6);

(ii) a part of an integrated coal gasification powerplant (as defined in IC 6-3.1-29-6); or

(iii) property used in the operation or maintenance of an integrated coal gasification powerplant (as defined in IC 6-3.1-29-6);

that received a certificate of public convenience and necessity from the Indiana utility regulatory commission under IC 8-1-8.5 et seq. before July 1, 2008; or

(C) twenty-five (25) years, for bonds issued after June 30, 2008, that are not described in clause (B).

The **bond** resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the redevelopment commission.

(d) The redevelopment commission shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds, subject to ~~subsection~~ **subsections (c) and** (p). The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds must be executed by the appropriate officer of the unit and attested by the municipal or county fiscal officer.

(f) The bonds are exempt from taxation for all purposes.

(g) The municipal or county fiscal officer shall give notice of the sale of the bonds by publication in accordance with IC 5-3-1. The municipal fiscal officer, or county fiscal officer or executive, shall sell the bonds to the highest bidder, but may not sell them for less than ninety-seven percent (97%) of their par value. However, bonds payable solely or in part from tax proceeds allocated under section 39(b)(3) of this chapter, or other revenues of the district may be sold at a private negotiated sale.

(h) Except as provided in subsection (i), a redevelopment commission may not issue the bonds when the total issue, including bonds already issued and to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the special taxing district, as determined under IC 36-1-15.

(i) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the redevelopment commission:

(1) from a special tax levied upon all of the property in the taxing district, as provided by section 27 of this chapter;

(2) from the tax proceeds allocated under section 39(b)(3) of this chapter;

(3) from other revenues available to the redevelopment commission; or

(4) from a combination of the methods stated in subdivisions (1) through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(3) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount ~~without limitation.~~ **not to exceed the maximum amount approved by the legislative body in the resolution described in subsection (c).**

(j) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

apply to bonds issued under this chapter except for bonds payable solely from tax proceeds allocated under section 39(b)(3) of this

chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established have matured shall be:

(1) deposited in the allocation fund established under section 39(b)(3) of this chapter; and

(2) to the extent permitted by law, transferred to the county or municipality that established the department of redevelopment for use in reducing the county's or municipality's property tax levies for debt service.

(o) If bonds are issued under this chapter that are payable solely or in part from revenues to the redevelopment commission from a project or projects, the redevelopment commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the redevelopment commission. The redevelopment commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the redevelopment commission that are payable solely from revenues of the commission shall contain a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission adopted before July 1, 2008, is equal to or greater than three million dollars ($3,000,000), the bonds may not be issued without the approval, by resolution, of the legislative body of the unit. Bonds authorized in any principal amount by a resolution of the redevelopment commission adopted after June 30, 2008, may not be issued without the approval of the legislative body of the unit.

SECTION 14. IC 36-7-14-25.2, AS AMENDED BY P.L.146-2008, SECTION 733, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25.2. (a) **Subject to the prior approval of the fiscal body of the unit under subsection (c),** a redevelopment commission may enter into a lease of any property that could be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed:

(1) fifty (50) years, for a lease entered into before July 1, 2008; or

(2) twenty-five (25) years, for a lease entered into after June 30, 2008.

The lease may provide for payments to be made by the redevelopment commission from special benefits taxes levied under section 27 of this chapter, taxes allocated under section 39 of this chapter, any other revenues available to the redevelopment commission, or any combination of these sources.

(b) A lease may provide that payments by the redevelopment commission to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the redevelopment commission only after a public hearing by the redevelopment commission at which all interested parties are provided the opportunity to be heard. After the public hearing, the redevelopment commission may adopt a resolution authorizing the execution of the lease on behalf of the unit if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of its residents. Any lease approved by a resolution of the redevelopment commission must **also** be approved by an ordinance **or resolution** of the fiscal body of the unit. **The approving ordinance or resolution of the fiscal body must include the following:**

(1) The maximum annual lease rental for the lease.

(2) The maximum interest rate or rates, any provisions for redemption before maturity, and any provisions for the payment of capitalized interest associated with the lease.

(3) The maximum term of the lease.

(d) Upon execution of a lease providing for payments by the redevelopment commission in whole or in part from the levy of special benefits taxes under section 27 of this chapter and upon approval of the lease by the unit's fiscal body, the redevelopment commission shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the redevelopment district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be.

(e) Upon the filing of the petition, the county auditor shall immediately certify a copy of it, together with such other data as may be necessary in order to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and information, the department of local government finance shall fix a time and place for a hearing in the redevelopment district, which must be not less than five (5) or more than thirty (30) days after the time is fixed. Notice of the hearing shall be given by the department of local government finance to the members of the fiscal body, to the redevelopment commission, and to the first fifty (50) petitioners on the petition by a letter signed by the commissioner or deputy commissioner of the department and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the department of local government finance on the appeal, upon the necessity for the execution of the lease, and as to whether the payments under it are fair and reasonable, is final.

(f) A redevelopment commission entering into a lease payable from allocated taxes under section 39 of this chapter or other available funds of the redevelopment commission may:

(1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; and

(2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the redevelopment commission to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the redevelopment commission enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of the notice of the execution and approval of the lease. However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the department of local government finance, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the department.

(j) If a redevelopment commission exercises an option to buy a leased facility from a lessor, the redevelopment commission may subsequently sell the leased facility, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the redevelopment commission through auction, appraisal, or arms length negotiation. If the facility is sold at auction, after appraisal, or through negotiation, the redevelopment commission shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing.

SECTION 15. IC 36-7-14-27, AS AMENDED BY P.L.203-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. (a) This section applies only to:

(1) bonds that are issued under section 25.1 of this chapter; and

(2) leases entered into under section 25.2 of this chapter;

which are payable from a special tax levied upon all of the property in the special taxing district. This section does not apply to bonds or leases that are payable solely from tax proceeds allocated under section 39(b)(3) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(b) The redevelopment commission, **with the prior approval of the legislative body,** shall levy each year a special tax on all of the

property of the redevelopment taxing district, in such a manner as to meet and pay the principal of the bonds as they mature, together with all accruing interest on the bonds or lease rental payments under section 25.2 of this chapter. The commission shall cause the tax levied to be certified to the proper officers as other tax levies are certified, and to the auditor of the county in which the redevelopment district is located, before the second day of October in each year. The tax shall be estimated and entered on the tax duplicate by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other state and county taxes are estimated, entered, collected, and enforced. The amount of the tax levied to pay bonds or lease rentals payable from the tax levied under this section shall be reduced by any amount available in the allocation fund established under section 39(b)(3) of this chapter or other revenues of the redevelopment commission to the extent such revenues have been set aside in the redevelopment bond fund.

(c) As the tax is collected, it shall be accumulated in a separate fund to be known as the redevelopment district bond fund and shall be applied to the payment of the bonds as they mature and the interest on the bonds as it accrues, or to make lease payments and to no other purpose. All accumulations of the fund before their use for the payment of bonds and interest or to make lease payments shall be deposited with the depository or depositories for other public funds of the unit in accordance with IC 5-13, unless they are invested under IC 5-13-9.

(d) If there are no outstanding bonds that are payable solely or in part from tax proceeds allocated under section 39(b)(3) of this chapter and that were issued to pay costs of redevelopment in an allocation area that is located wholly or in part in the special taxing district, then all proceeds from the sale or leasing of property in the allocation area under section 22 of this chapter shall be paid into the redevelopment district bond fund and become a part of that fund. In arriving at the tax levy for any year, the redevelopment commission shall take into account the amount of the proceeds deposited under this subsection and remaining on hand.

(e) The tax levies provided for in this section are reviewable by other bodies vested by law with the authority to ascertain that the levies are sufficient to raise the amount that, with other amounts available, is

sufficient to meet the payments under the lease payable from the levy of taxes.

SECTION 16. IC 36-7-14-27.5, AS AMENDED BY P.L.146-2008, SECTION 735, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27.5. (a) **Subject to the prior approval by the legislative body of the unit,** the redevelopment commission may borrow money in anticipation of receipt of the proceeds of taxes levied for the redevelopment district bond fund and not yet collected, and may evidence this borrowing by issuing warrants of the redevelopment district. However, the aggregate principal amount of warrants issued in anticipation of and payable from the same tax levy or levies may not exceed an amount equal to eighty percent (80%) of that tax levy or levies, as certified by the department of local government finance, or as determined by multiplying the rate of tax as finally approved by the total assessed valuation (after deducting all mortgage deductions) within the redevelopment district, as most recently certified by the county auditor.

(b) The warrants may be authorized and issued at any time after the tax or taxes in anticipation of which they are issued have been levied by the redevelopment commission. For purposes of this section, taxes for any year are considered to be levied upon adoption by the commission of a resolution prescribing the tax levies for the year. However, the warrants may not be delivered and paid for before final approval of the tax levy or levies by the county board of tax adjustment or, if appealed, by the department of local government finance, unless the issuance of the warrants has been approved by the department.

(c) All action that this section requires or authorizes the redevelopment commission to take may be taken by resolution, which need not be published or posted. The resolution takes effect immediately upon its adoption by the redevelopment commission. An action to contest the validity of tax anticipation warrants may not be brought later than ten (10) days after the sale date.

(d) In their resolution authorizing the warrants, the redevelopment commission must provide that the warrants mature at a time or times not later than December 31 after the year in which the taxes in anticipation of which the warrants are issued are due and payable.

(e) In their resolution authorizing the warrants, the redevelopment commission may provide:

(1) the date of the warrants;
(2) the interest rate of the warrants;
(3) the time of interest payments on the warrants;
(4) the denomination of the warrants;
(5) the form either registered or payable to bearer, of the warrants;
(6) the place or places of payment of the warrants, either inside or outside the state;
(7) the medium of payment of the warrants;
(8) the terms of redemption, if any, of the warrants, at a price not exceeding par value and accrued interest;
(9) the manner of execution of the warrants; and
(10) that all costs incurred in connection with the issuance of the warrants may be paid from the proceeds of the warrants.

(f) The warrants shall be sold for not less than par value, after notice inviting bids has been published under IC 5-3-1. The redevelopment commission may also publish the notice in other newspapers or financial journals.

(g) Warrants and the interest on them are not subject to any limitation contained in section 25.1 of this chapter, and are payable solely from the proceeds of the tax levy or levies in anticipation of which the warrants were issued. The authorizing resolution must pledge a sufficient amount of the proceeds of the tax levy or levies to the payment of the warrants and the interest.

SECTION 17. IC 36-7-14-32.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 32.5. (a) Subject to the approval of the fiscal body of the unit that established the department of redevelopment, the commission may acquire a parcel of real property by the exercise of eminent domain when the real property has all of the following characteristics:~~

~~(1) The real property meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).~~

~~(2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.~~

~~(3) The condition of the real property has a negative impact on the use or value of the neighboring properties or other properties in the community.~~

~~(b) The commission or the commission's designated hearing examiner shall conduct a public meeting to determine whether a parcel of real property has the characteristics set forth in subsection (a). Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing and is entitled to present evidence and make arguments at the hearing.~~

~~(c) If the commission considers it necessary to acquire real property under this section, the commission shall adopt a resolution setting out the commission's determination to exercise that power and directing the commission's attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court with jurisdiction in the county.~~

~~(d) Eminent domain proceedings under this section are governed by IC 32-24.~~

~~(e) The commission shall use real property acquired under this section for one (1) of the following purposes:~~

~~(1) Sale in an urban homestead program under IC 36-7-17 or IC 36-7-17.1.~~

~~(2) Sale to a family whose income is at or below the county's median income for families.~~

~~(3) Sale or grant to a neighborhood development corporation with a condition in the granting clause of the deed requiring the nonprofit development corporation to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the unit's median income for families.~~

~~(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the unit's median income for families.~~

~~(f) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.~~

SECTION 18. IC 36-7-14-39, AS AMENDED BY P.L.218-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on

or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. **A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later.** A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this

chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or

serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under

subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under

IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

(1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;

(2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and

(3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 19. IC 36-7-14-43, AS AMENDED BY P.L.146-2008, SECTION 740, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 43. (a) All of the rights, powers, privileges, and immunities that may be exercised by the commission in a redevelopment project area or urban renewal area may be exercised by the commission in an economic development area, subject to the following:

(1) The content and manner of exercise of these rights, powers, privileges, and immunities shall be determined by the purposes and nature of an economic development area. **A right, power, privilege, or immunity that pertains to issuing bonds or incurring an obligation may not be exercised by a redevelopment commission unless it is first specifically authorized by the fiscal or legislative body of the unit, whichever applies, regardless of any other law.**

(2) Real property (or interests in real property) relative to which action is taken in an economic development area is not required to meet the conditions described in IC 36-7-1-3.

(3) The special tax levied in accordance with section 27 of this chapter may be used to carry out activities under this chapter in economic development areas.

(4) Bonds may be issued in accordance with section 25.1 of this chapter to defray expenses of carrying out activities under this chapter in economic development areas if no other revenue sources are available for this purpose.

(5) The tax exemptions set forth in section 37 of this chapter are applicable in economic development areas.

(6) An economic development area may be an allocation area for the purposes of distribution and allocation of property taxes.

~~(7) The commission may not use its power of eminent domain under section 20 of this chapter to carry out activities under this chapter in an economic development area.~~

(b) The content and manner of discharge of duties set forth in section 11 of this chapter shall be determined by the purposes and nature of an economic development area.

SECTION 20. IC 36-7-14-46, AS ADDED BY P.L.154-2006, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 46. ~~(a) Except as provided in subsection (b),~~ All the rights, powers, privileges, and immunities that may be exercised by the commission in blighted, deteriorated, or deteriorating areas may be

exercised by the commission in implementing its program for housing, including the following:

(1) The special tax levied in accordance with section 27 of this chapter may be used to accomplish the housing program.

(2) Bonds may be issued under this chapter to accomplish the housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area except for refunding bonds or bonds issued in an amount necessary to complete a housing program for which bonds were previously issued.

(3) Leases may be entered into under this chapter to accomplish the housing program.

(4) The tax exemptions set forth in section 37 of this chapter are applicable.

(5) Property taxes may be allocated under section 39 of this chapter.

~~(b) A commission may not exercise the power of eminent domain in implementing its program for housing.~~

SECTION 21. IC 36-7-14-48, AS AMENDED BY P.L.203-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

(1) The construction, rehabilitation, or repair of residential units within the allocation area.

(2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.

(3) The acquisition of real property and interests in real property within the allocation area.

(4) The demolition of real property within the allocation area.

(5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(6) The provision of financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) For property taxes first due and payable before January 1, 2009, providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) (before its repeal) for that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) (before its repeal) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal) that under IC 6-1.1-22-9 are due and payable in a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 39(b)(3)(A) through 39(b)(3)(H) and 39(b)(3)(J) of this chapter for property that is residential in nature.

(2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before July 15 of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 39(b)(2);

(B) make, when due, principal and interest payments on bonds described in section 39(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 39(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

(3) If:

(A) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (1); plus

(B) the amount necessary for other purposes described in subdivision (1);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (2). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (2).

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-12-37) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) (before its repeal) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal).

SECTION 22. IC 36-7-14.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A _____ Redevelopment Authority (the blank to be filled in with a name designated by the legislative body of the unit) may be created in the unit as a separate body corporate and politic and as an instrumentality of the unit to exercise any power granted to the authority under this chapter.

(b) An authority may be created by ordinance of the legislative body of the unit.

(c) An authority is subject to the same laws, rules, and ordinances of a general nature that apply to all other authorities and departments of the unit. An authority is:

(1) subject to audit by the state board of accounts under IC 5-11;

(2) covered by IC 5-14-1.5 (the public meetings law); and

(3) covered by IC 5-14-3 (the public records law).

SECTION 23. IC 36-7-14.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Immediately after January 15 of each year, the board shall hold an organizational

meeting. It shall elect one (1) of the members president, another vice president, and another secretary-treasurer to perform the duties of those offices. These officers serve from the date of their election and until their successors are elected and qualified. The board may elect an assistant secretary-treasurer. **Before July 1, the secretary-treasurer shall report annually to the fiscal body of the unit that established the redevelopment authority.**

(b) Special meetings may be called by the president of the board or any two (2) members of the board.

(c) A majority of the members constitutes a quorum, and the concurrence of a majority of the members is necessary to authorize any action.

SECTION 24. IC 36-7-14.5-11, AS AMENDED BY P.L.1-2006, SECTION 566, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. **(a)** The authority is organized for the following purposes:

(1) Financing, constructing, and leasing local public improvements to the commission.

(2) Financing and constructing additional improvements to local public improvements owned by the authority and leasing them to the commission.

(3) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease and leasing these local public improvements back to the commission, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the commission to make a savings in debt services obligations or lease rental obligations or to obtain relief from covenants that the commission considers to be unduly burdensome.

(5) In a county having a United States government military base that is scheduled for closing or is completely or partially inactive or closed and if specified in the ordinance creating the authority or in another ordinance adopted by the executive body of the unit, an authority may exercise any of the powers of a redevelopment commission established under IC 36-7-14, including the

establishment, in accordance with IC 36-7-14, of one (1) or more economic development areas in the county in addition to an economic development area established under section 12.5 of this chapter. However, an economic development area that includes any part of a military base described in section 12.5(a) of this chapter is subject to the requirements of section 12.5 of this chapter. An action taken by an authority under this subdivision shall be treated as if the action were taken under the law granting the power to the redevelopment commission.

(b) Notwithstanding any other provision of this chapter, after June 30, 2014:

(1) an authority; or

(2) any other entity:

(A) established by the authority; or

(B) controlled by the authority;

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, an authority or entity covered by this section may own property in the capacity of a land bank for a unit.

SECTION 25. IC 36-7-14.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Bonds issued under IC 36-7-14 may be refunded as provided in this section.

(b) **Subject to the prior approval of the fiscal body of the unit under IC 36-7-14-25.2,** the commission may:

(1) lease all or a portion of a local public improvement or improvements to the authority, which may be at a nominal lease rental with a lease back to the commission, conditioned upon the authority assuming bonds issued under IC 36-7-14 and issuing its bonds to refund those bonds; and

(2) sell all or a portion of a local public improvement or improvements to the authority for a price sufficient to provide for the refunding of those bonds and lease back the local public improvement or improvements from the authority.

SECTION 26. IC 36-7-14.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) Before a lease may be entered into, the commission must:

(1) find that the lease rental provided for is fair and reasonable; **and**

(2) obtain the prior approval of the fiscal body of the unit under IC 36-7-14-25.2.

(b) A lease of local public improvements from the authority to the commission:

(1) must comply with IC 36-7-14-25.2 or IC 36-7-30-20;

(2) may not require payment of lease rental for a newly constructed local public improvement or for improvements to an existing local public improvement except to the extent that the local public improvement or improvements thereto have been completed and are ready for occupancy or use;

(3) may contain provisions:

(A) allowing the commission to continue to operate an existing local public improvement until completion of the improvements, reconstruction, or renovation; and

(B) requiring payment of lease rentals for an existing local public improvement being used, reconstructed, or renovated;

(4) may contain an option to renew the lease for the same or shorter term on the conditions provided in the lease;

(5) must contain an option for the commission to purchase the local public improvement upon the terms stated in the lease during the term of the lease for a price equal to the amount required to pay all indebtedness incurred on account of the local public improvement, including indebtedness incurred for the refunding of that indebtedness;

(6) may be entered into before acquisition or construction of a local public improvement;

(7) may provide that the commission shall agree to:

(A) pay all taxes and assessments thereon;

(B) maintain insurance thereon for the benefit of the authority; and

(C) assume responsibility for utilities, repairs, alterations, and any costs of operation; and

(8) may provide that the lease rental payments by the commission shall be made from any one (1) or more of the sources set forth in IC 36-7-14-25.2 or IC 36-7-30-20.

SECTION 27. IC 36-7-14.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) The commission may lease for a nominal lease rental, or sell to the authority, one (1) or more local public improvements or portions thereof or land upon which a local public improvement is located or is to be constructed.

(b) Any lease of all or a portion of a local public improvement by the commission to the authority must be for a term equal to the term of the lease of that local public improvement back to the redevelopment commission.

(c) **Subject to the prior approval of the fiscal body of the unit under IC 36-7-14-25.2,** the commission may sell property to the authority for such amount as ~~it~~ **the commission** determines to be in the best interest of the commission, which amount may be paid from the proceeds of bonds of the authority.

SECTION 28. IC 36-7-14.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) **Subject to the prior approval of the legislative body of the unit under IC 36-7-14-25.1,** the authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring property;

(2) constructing, improving, reconstructing, or renovating one (1) or more local public improvements; or

(3) funding or refunding bonds issued under this chapter or IC 36-7-14.

(b) The bonds are payable solely from the lease rentals from the lease of the local public improvement for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the board.

(d) The terms and form of the bonds shall either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds shall mature within fifty (50) years.

(f) The board shall sell the bonds at public or private sale upon such terms as determined by the board.

(g) All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of the acquisition or

construction, or both, of local public improvements, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

(1) planning and development of the local public improvements and all related buildings, facilities, structures, and improvements;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the local public improvements that are necessary or desirable to make the local public improvements suitable for use and operations;

(4) architectural, engineering, consultant, and attorney fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction and for a period thereafter determined by the board, but in no event to exceed five (5) years;

(8) financial advisory fees;

(9) insurance during construction;

(10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and

(11) in the case of refunding or refinancing, payment of the principal of, redemption premiums, if any, and interest on, the bonds being refunded or refinanced.

SECTION 29. IC 36-7-14.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) The authority may secure bonds issued under this chapter by a trust indenture between the authority and a corporate trustee, which may be any trust company or national or state bank within Indiana that has trust powers.

(b) **Before a trust indenture may be entered into, the authority must obtain the prior approval of the fiscal body of the unit under IC 36-7-14-25.2.** The trust indenture may:

(1) pledge or assign lease rentals, receipts, and income from leased local public improvements, but may not mortgage land or local public improvements;

(2) contain reasonable and proper provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the authority and board;

(3) set forth the rights and remedies of bondholders and trustee; and

(4) restrict the individual right of action of bondholders.

(c) Any pledge or assignment made by the authority under this section **and approved by the fiscal body of the unit** is valid and binding in accordance with IC 5-1-14-4 from the time that the pledge or assignment is made, against all persons whether they have notice of the lien or not. Any trust indenture by which a pledge is created or an assignment need not be filed or recorded. The lien is perfected against third parties in accordance with IC 5-1-14-4.

SECTION 30. IC 36-7-14.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. If the commission exercises its option to purchase leased property, it may, **subject to the prior approval of the legislative body of the unit under IC 36-7-14-25.1,** issue its bonds as authorized by statute.

SECTION 31. IC 36-7-15.1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. (a) The controller of the consolidated city is the fiscal officer of a commission subject to this chapter.**

(b) The controller may obtain financial services on a contractual basis for purposes of carrying out the powers and duties of the commission and protecting the public interests related to the operations and funding of the commission. The controller has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the authority in accordance with the requirements of state law that apply to other funds and accounts administered by the controller.

SECTION 32. IC 36-7-15.1-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.2. A redevelopment commission and a department of redevelopment are:**

(1) subject to audit by the state board of accounts under IC 5-11;

(2) covered by IC 5-14-1.5 (the public meetings law);

(3) covered by IC 5-14-3 (the public records law); and

(4) covered by IC 36-1-12 (the public works law).

SECTION 33. IC 36-7-15.1-4.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.3. Notwithstanding any other provision in this chapter, after June 30, 2014:**

(1) a redevelopment commission;

(2) a department of redevelopment; or

(3) any other entity:

(A) established by the commission or department; or

(B) controlled by the commission or a member of the commission regardless of any pecuniary interest the member may have;

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, a commission, department, or entity covered by this section may own property in the capacity of a land bank for a unit.

SECTION 34. IC 36-7-15.1-7, AS AMENDED BY P.L.146-2008, SECTION 744, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) In carrying out its duties and purposes under this chapter, the commission may do the following:

(1) Acquire by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the redevelopment district.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, invest in, or otherwise dispose of, through any combination of methods, property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the city and its inhabitants.

(3) Acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the city, or to any other governmental agency, for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes, on any terms that may be agreed upon.

(4) Clear real property acquired for redevelopment purposes.
(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:
(A) Hazardous substances.
(B) Petroleum.
(C) Other pollutants.
(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:
(A) Hazardous substances.
(B) Petroleum.
(C) Other pollutants.
(7) Repair and maintain structures acquired or to be acquired for redevelopment purposes.
(8) Enter upon, survey, or examine any land, to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes, and determine the value of that land.
(9) Appear before any other department or agency of the city, or before any other governmental agency in respect to any matter affecting:
(A) real property acquired or being acquired for redevelopment purposes; or
(B) any area needing redevelopment within the jurisdiction of the commission.
(10) Subject to section 13 of this chapter, exercise the power of eminent domain in the name of the city, within the redevelopment district, in the manner prescribed by this chapter.
(11) Establish a uniform fee schedule whenever appropriate for the performance of governmental assistance, or for providing materials and supplies to private persons in project or program related activities.
(12) Expend, on behalf of the redevelopment district, all or any part of the money available for the purposes of this chapter.
(13) Contract for the construction, extension, or improvement of pedestrian skyways.

(14) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(15) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units **in a multiple unit residential structure** within the district. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(16) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision (15); or

(B) construct, rehabilitate, or repair commercial property within the district.

(17) Require as a condition of financial assistance to the owner of a ~~multiunit~~ **multiple unit** residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the county's median income for families; and

(C) at an affordable rate.

Conditions imposed by the commission under this subdivision remain in force throughout the period determined under clause (A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(18) Provide programs in job training, job enrichment, and basic skill development for residents of an enterprise zone.

(19) Provide loans and grants for the purpose of stimulating business activity in an enterprise zone or providing employment for residents of an enterprise zone.

(20) Contract for the construction, extension, or improvement of:

(A) public ways, sidewalks, sewers, waterlines, parking facilities, park or recreational areas, or other local public improvements (as defined in IC 36-7-15.3-6) or structures that

are necessary for redevelopment of areas needing redevelopment or economic development within the redevelopment district; or

(B) any structure that enhances development or economic development.

(b) In addition to its powers under subsection (a), the commission may plan and undertake, alone or in cooperation with other agencies, projects for the redevelopment of, rehabilitating, preventing the spread of, or eliminating slums or areas needing redevelopment, both residential and nonresidential, which projects may include any of the following:

(1) The repair or rehabilitation of buildings or other improvements by the commission, owners, or tenants.

(2) The acquisition of real property.

(3) Either of the following with respect to environmental contamination on real property:

(A) Investigation.

(B) Remediation.

(4) The demolition and removal of buildings or improvements on buildings acquired by the commission where necessary for any of the following:

(A) To eliminate unhealthful, unsanitary, or unsafe conditions.

(B) To mitigate or eliminate environmental contamination.

(C) To lessen density.

(D) To reduce traffic hazards.

(E) To eliminate obsolete or other uses detrimental to public welfare.

(F) To otherwise remove or prevent the conditions described in IC 36-7-1-3.

(G) To provide land for needed public facilities.

(5) The preparation of sites and the construction of improvements (such as public ways and utility connections) to facilitate the sale or lease of property.

(6) The construction of buildings or facilities for residential, commercial, industrial, public, or other uses.

(7) The disposition in accordance with this chapter, for uses in accordance with the plans for the projects, of any property acquired in connection with the projects.

(c) The commission may use its powers under this chapter relative to real property and interests in real property obtained by voluntary sale or transfer, even though the real property and interests in real property are not located in a redevelopment or urban renewal project area established by the adoption and confirmation of a resolution under sections 8(c), 9, 10, and 11 of this chapter. In acquiring real property and interests in real property outside of a redevelopment or urban renewal project area, the commission shall comply with section 12(b) through 12(e) of this chapter. The commission shall hold, develop, use, and dispose of this real property and interests in real property substantially in accordance with section 15 of this chapter.

(d) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(e) All powers that may be exercised under this chapter by the commission may also be exercised by the commission in carrying out its duties and purposes under IC 36-7-15.3.

SECTION 35. IC 36-7-15.1-12, AS AMENDED BY P.L.185-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) If no appeal is taken, or if an appeal is taken but is unsuccessful, the commission shall proceed with the proposed project, to the extent that money is available for that purpose.

(b) The commission shall first approve and adopt a list of the real property and interests in real property to be acquired, and the price to be offered to the owner of each parcel or interests. The prices to be offered may not exceed the average of two (2) independent appraisals of fair market value procured by the commission, except that appraisals are not required in transactions with other governmental agencies. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than ten thousand dollars ($10,000), the second appraisal may be made by a qualified employee of the department. The prices indicated on the list may not be exceeded

unless specifically authorized by the commission under section 7 of this chapter or ordered by a court in condemnation proceedings. The commission may except from acquisition any real property in the area if it finds that such an acquisition is not necessary under the redevelopment plan. Appraisals made under this section are for the information of the commission and are not open for public inspection.

(c) Negotiations for the purchase of property may be carried on directly by the commission, by its employees, or by expert negotiators employed for that purpose. The commission shall adopt a standard form of option for use in negotiations, but no option, contract, or understanding relative to the purchase of real property is binding on the commission until approved and accepted by the commission in writing. The commission may authorize the payment of a nominal fee to bind an option, and as a part of the consideration for conveyance may agree to pay the expense incident to the conveyance and determination of the title of the property. Payment for the property purchased shall be made when and as directed by the commission, but only on delivery of proper instruments conveying the title or interest of the owner to "City of _____ for the use and benefit of its Department of Metropolitan Development". **Notwithstanding the other provisions of this subsection, any agreement by the commission to make payments for the property purchased over a term exceeding five (5) years is subject to the prior approval of the legislative body of the unit.**

(d) Notwithstanding subsections (a) through (c), the commission may, before the time referred to in this section, accept gifts of property needed for the redevelopment of redevelopment project areas. The commission may, before the time referred to in this section, take options on or contract for the acquisition of property needed for the redevelopment of redevelopment project areas if the options and contracts are not binding on the commission or the redevelopment district until the time referred to in this section and until money is available to pay the consideration set out in the options or contracts.

(e) Section 15(a) through 15(h) of this chapter does not apply to exchanges of real property (or interests in real property) in connection with the acquisition of real property (or interests in real property) under this section. In acquiring real property (or interests in real property) under this section the commission may, as an alternative to offering payment of money as specified in subsection (b), offer for the real

property (or interest in real property) that the commission desires to acquire:

(1) exchange of real property or interests in real property owned by the redevelopment district;

(2) exchange of real property or interests in real property owned by the redevelopment district, along with the payment of money by the commission; or

(3) exchange of real property or interests in real property owned by the redevelopment district along with the payment of money by the owner of the real property or interests in real property that the commission desires to acquire.

The commission shall have the fair market value of the real property or interests in real property owned by the redevelopment district appraised as specified in section 15(b) of this chapter. The appraisers may not also appraise the value of the real property or interests in real property to be acquired by the redevelopment district. The commission shall establish the nature of the offer to the owner based on the difference between the average of the two (2) appraisals of the fair market value of the real property or interests in real property to be acquired by the commission and the average of the appraisals of fair market value of the real property or interests in real property to be exchanged by the commission.

SECTION 36. IC 36-7-15.1-26, AS AMENDED BY P.L.112-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. **A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, an expiration date imposed by this subsection does not apply to an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter.** A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an

expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when

collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the

allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise

zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment

under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 37. IC 36-7-15.3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** In addition to its purposes specified in IC 36-10-9.1-10, the authority is also organized for the following purposes:

(1) Financing, constructing, and leasing local public improvements to the commission.

(2) Financing and constructing additional improvements to local public improvements owned by the authority and leasing them to the commission.

(3) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease and leasing these local public improvements back to the commission, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the commission to make a savings in debt service obligations or lease rental obligations or to obtain relief

from covenants that the commission considers to be unduly burdensome.

(b) Notwithstanding any other provision of this chapter, after June 30, 2014:

(1) an authority; or

(2) any other entity:

(A) established by the authority; or

(B) controlled by the authority;

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, an authority or entity covered by this section may own property in the capacity of a land bank for a unit.

SECTION 38. IC 36-7-15.3-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. An authority is:**

(1) subject to audit by the state board of accounts under IC 5-11;

(2) covered by IC 5-14-1.5 (the public meetings law);

(3) covered by IC 5-14-3 (the public records law); and

(4) covered by IC 36-1-12 (the public works law).

SECTION 39. [EFFECTIVE JULY 1, 2014] **(a) During the 2014 legislative interim, the commission on state tax and financing policy shall study redevelopment commissions, authorities, and departments. The department of local government finance, with the assistance of the state board of accounts, shall prepare a report on redevelopment that covers at least the following:**

(1) The activities of each redevelopment commission, authority, and department throughout Indiana, including projects proposed and projects completed.

(2) The budgets for 2009 through 2013 for each redevelopment commission, authority, and department, including a summary of these budgets.

(3) The audit findings for 2009 through 2013 for each redevelopment commission, authority, and department audited by the state board of accounts, including a summary of these audits.

(4) The actual increase in assessed values in redevelopment areas compared to the estimated increases set forth in the redevelopment plan.

(5) The actual increase in assessed values in redevelopment areas compared to the increase in assessed values outside redevelopment areas.

(6) Suggested changes in the law with regard to redevelopment commissions, authorities, and departments.

Before August 1, 2014, the department of local government finance shall deliver the report concerning redevelopment commissions, authorities, and departments to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for distribution to each member of the commission on state tax and financing policy. The department of local government finance and the state board of accounts shall be available to present the report and respond to questions at a meeting specified by the commission.

(b) This SECTION expires June 30, 2015.

SECTION 40. [EFFECTIVE JULY 1, 2014] **(a) IC 36-7-14, as amended by this act, applies to an obligation entered into or incurred by a redevelopment commission after June 30, 2014.**

(b) IC 36-7-14-25.1, as amended by this act, applies to bonds for which a bond resolution is adopted after June 30, 2014.

(c) IC 36-7-14-25.2, as amended by this act, applies to a lease for which a public hearing is held under IC 36-7-14-25.2(c) after June 30, 2014.

(d) IC 36-7-14-27.5, as amended by this act, applies to warrants issued after June 30, 2014.

(e) This SECTION expires July 1, 2015.

P.L.150-2014
[S.138. Approved March 26, 2014.]

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

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

SECTION 1. IC 5-2-6.7-10, AS ADDED BY P.L.130-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The division may make grants to and enter into contracts with entities eligible under section 9 of this chapter. ~~However, the division may not grant more than seventy-five percent (75%) of the money necessary for the establishment or maintenance of a domestic violence prevention and treatment center during a specified time. The amount granted by the division for use by a single domestic violence and prevention treatment center may not exceed one hundred thousand dollars ($100,000) each year.~~

SECTION 2. IC 34-6-2-148.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.2. "Victim", for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-1.**

SECTION 3. IC 34-6-2-148.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.3. "Victim advocate", for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-2.**

SECTION 4. IC 34-6-2-148.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.7. "Victim service provider", for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-3.**

SECTION 5. IC 34-60 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 60. VICTIM ADVOCATES

Chapter 1. Victim Advocates in Civil Proceedings

Sec. 1. As used in this chapter, "victim" means:

(1) an individual against whom an act of:

(A) domestic or family violence;

(B) dating violence;

(C) sexual assault (as defined in IC 5-26.5-1-8);

(D) human and sexual trafficking (IC 35-42-3.5); or

(E) stalking (IC 35-45-10-5);

is committed; or

(2) an individual:

(A) who is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and

(B) who:

(i) is a member of the family of an individual described in subdivision (1); and

(ii) is not a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 2. (a) As used in this chapter, "victim advocate" means an individual employed or appointed by or who volunteers for a victim service provider.

(b) The term does not include:

(1) a law enforcement officer;

(2) an employee or agent of a law enforcement officer;

(3) a prosecuting attorney; or

(4) an employee or agent of a prosecuting attorney's office.

(c) The term includes an employee, an appointee, or a volunteer of a:

(1) victim service provider;

(2) domestic violence program;

(3) sexual assault program;

(4) rape crisis center;

(5) battered women's shelter;

(6) transitional housing program for victims of domestic violence; or

(7) program that, as one (1) of its primary purposes, provides services to an individual:

(A) against whom an act of:

(i) domestic or family violence;

(ii) dating violence;

(iii) sexual assault (as defined in IC 5-26.5-1-8);

(iv) human and sexual trafficking (IC 35-42-3.5); or

(v) stalking (IC 35-45-10-5);

is committed; or

(B) who:

(i) is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and

(ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 3. As used in this chapter, "victim service provider" means a person:

(1) that is:

(A) a public agency;

(B) a unit of a public agency; or

(C) an organization that is exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(2) that is not affiliated with a law enforcement agency; and

(3) that, as one (1) of its primary purposes, provides services for emotional and psychological conditions to an individual:

(A) against whom an act of:

(i) domestic or family violence;

(ii) dating violence;

(iii) sexual assault (as defined in IC 5-26.5-1-8);

(iv) human and sexual trafficking (IC 35-42-3.5); or

(v) stalking (IC 35-45-10-5);

is committed; or

(B) who:

(i) is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and

(ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 4. (a) In any civil proceeding, a court may allow a victim advocate to attend the proceeding, sit with the victim, and confer with the victim as necessary.

(b) A victim advocate is not considered to be practicing law when performing the services described in this section.

P.L.151-2014

[S.158. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-10-16, AS AMENDED BY P.L.197-2011, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

(1) a building that is exempt under subsection (a) or (b) is situated on it;

(2) a parking lot or structure that serves a building referred to in subdivision (1) is situated on it; or

(3) the tract:

(A) is owned by a nonprofit entity established for the purpose of retaining and preserving land and water for their natural characteristics;

(B) does not exceed five hundred (500) acres; and

(C) is not used by the nonprofit entity to make a profit.

(d) A tract of land is exempt from property taxation if:

(1) it is purchased for the purpose of erecting a building that is to be owned, occupied, and used in such a manner that the building will be exempt under subsection (a) or (b); and

(2) not more than four (4) years after the property is purchased, and for each year after the four (4) year period, the owner demonstrates substantial progress and active pursuit towards the erection of the intended building and use of the tract for the exempt purpose. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within four (4) years.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within eight (8) years considering the circumstances of the owner.

If the owner of the property sells, leases, or otherwise transfers a tract of land that is exempt under this subsection, the owner is liable for the

property taxes that were not imposed upon the tract of land during the period beginning January 1 of the fourth year following the purchase of the property and ending on December 31 of the year of the sale, lease, or transfer. The county auditor of the county in which the tract of land is located may establish an installment plan for the repayment of taxes due under this subsection. The plan established by the county auditor may allow the repayment of the taxes over a period of years equal to the number of years for which property taxes must be repaid under this subsection.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property that is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization that is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e).

(h) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-2 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

(1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or

(2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program alone does not entitle an office, practice, or other property described in this subsection to an exemption under this section.

(i) A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

(1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:

(A) in a charitable manner;

(B) by a nonprofit organization; and

(C) to low income individuals who will:

(i) use the land as a family residence; and

(ii) not have an exemption for the land under this section;

(2) the tract does not exceed three (3) acres;

(3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section; and

(4) not more than four (4) years after the property is acquired for the purpose described in subdivision (1), and for each year after the four (4) year period, the owner demonstrates substantial progress and active pursuit towards the erection, renovation, or improvement of the intended structure. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within five (5) years of the initial exemption received under this subsection.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:

(i) completed; and

(ii) transferred to a low income individual who does not receive an exemption under this section;

within eight (8) years considering the circumstances of the owner.

(j) An exemption under subsection (i) terminates when the property is conveyed by the nonprofit organization to another owner. When the property is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. The county auditor shall immediately forward a copy of the certified statement to the county assessor. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

(k) If property is granted an exemption in any year under subsection (i) and the owner:

(1) ceases to be eligible for the exemption under subsection (i)(4);

(2) fails to transfer the tangible property within eight (8) years after the assessment date for which the exemption is initially granted; or

(3) transfers the tangible property to a person who:

(A) is not a low income individual; or

(B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1), (2), or (3) occurs. The county auditor shall immediately inform the county assessor of a notification received under this subsection.

(l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

(1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.

(2) Interest on the property taxes at the rate of ten percent (10%) per year.

(m) The liability imposed by subsection (l) is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection (l) shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected.

(n) Property referred to in this section shall be assessed to the extent required under IC 6-1.1-11-9.

(o) A for-profit provider of early childhood education services to children who are at least four (4) but less than six (6) years of age on the annual assessment date may receive the exemption provided by this section for property used for educational purposes only if all the requirements of section 46 of this chapter are satisfied. A for-profit provider of early childhood education services that provides the services only to children younger than four (4) years of age may not receive the exemption provided by this section for property used for educational purposes.

SECTION 2. IC 6-1.1-10-36.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 36.3. (a) For purposes of this section, property is predominantly used or occupied for one (1) or more stated purposes if it is used or occupied for one (1) or more of those purposes during more than fifty percent (50%) of the time that it is used or occupied in the year that ends on the assessment date of the property.

(b) The determination under subsection (c) of:

(1) the use or occupation of the property; and

(2) the application of an exemption;

applies separately to each part of the property identified under IC 6-1.1-11-3(c)(5).

(c) If a section of this chapter states one (1) or more purposes for which property must be used or occupied in order to qualify for an exemption, then the exemption applies as follows:

(1) Property that is exclusively used or occupied for one (1) or more of the stated purposes is totally exempt under that section.

(2) Property that is predominantly used or occupied for one (1) or more of the stated purposes by a church, religious society, or not-for-profit school is totally exempt under that section.

(3) Property that is predominantly used or occupied for one (1) or more of the stated purposes by a person other than a church,

religious society, or not-for-profit school is exempt under that section from property tax on the part of the assessment of the property that bears the same proportion to the total assessment of the property as the amount of time that the property was used or occupied for one (1) or more of the stated purposes during the year that ends on the assessment date of the property bears to the amount of time that the property was used or occupied for any purpose during that year. **This subdivision does not apply to a for-profit provider of early childhood education services covered by section 46 of this chapter.**

(4) Property that is predominantly used or occupied for a purpose other than one (1) of the stated purposes is not exempt from any part of the property tax.

(d) Property is not used or occupied for one (1) or more of the stated purposes during the time that a predominant part of the property is used or occupied in connection with a trade or business that is not substantially related to the exercise or performance of one (1) or more of the stated purposes.

SECTION 3. IC 6-1.1-10-46 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 46. (a) Tangible property owned, occupied, or used by a for-profit provider of early childhood education services to children who are at least four (4) but less than six (6) years of age is exempt from property taxation under section 16 of this chapter only if all the following requirements are satisfied:**

(1) The primary purpose of the provider is educational.

(2) The provider is the property owner and the provider also predominantly occupies and uses the tangible property for providing early childhood education services to children who are at least four (4) but less than six (6) years of age.

(3) The provider participates in the early education evaluation program established under IC 12-17.2-3.8 and meets the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating or has a comparable rating from a nationally recognized accrediting body.

If the property owner provides early childhood education services to children who are at least four (4) but less than six (6) years of

age and to children younger than four (4) years of age, the amount of the exemption must be on that part of the assessment of the property that bears the same proportion to the total assessment of the property as the percentage of the property owner's enrollment count of children who are at least four (4) but less than six (6) years of age compared to the property owner's total enrollment count of children of all ages.

(b) For purposes of this section, the annual assessment date or, if the annual assessment date is not a business day for the property owner, the business day closest to the annual assessment date, must be used for the enrollment count under this section. However, a property owner that believes that the enrollment count on this date for a particular year does not accurately represent the property owner's normal enrollment count for that year may appeal to the county assessor for a change in the date to be used under this section for that year. The appeal must be filed on or before the deadline for filing an exemption under section 16 of this chapter. If the county assessor finds that the property owner's appeal substantiates that the property owner's normal enrollment count is not accurately represented by using the required date, the assessor shall establish an alternate date to be used for that year that represents the property owner's normal enrollment count for that year.

P.L.152-2014
[S.169. Approved March 26, 2014.]

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

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

SECTION 1. IC 35-43-4-2, AS AMENDED BY P.L.158-2013, SECTION 463, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony if:

(A) the value of the property is at least seven hundred fifty dollars ($750) and less than fifty thousand dollars ($50,000);

(B) the property is a firearm; or

~~(B)~~ **(C)** the person has a prior unrelated conviction for:

(i) theft under this section; or

(ii) criminal conversion under section 3 of this chapter; and

(2) a Level 5 felony if:

(A) the value of the property is at least fifty thousand dollars ($50,000); or

(B) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:

(i) relates to transportation safety;

(ii) relates to public safety; or

(iii) is taken from a hospital or other health care facility, telecommunications provider, public utility (as defined in IC 32-24-1-5.9(a)), or key facility;

and the absence of the property creates a substantial risk of bodily injury to a person.

(b) In determining the value of property under this section, acts of theft committed in a single episode of criminal conduct (as defined in IC 35-50-1-2(b)) may be charged in a single count.

(c) For purposes of this section, "the value of property" means:

(1) the fair market value of the property at the time and place the offense was committed; or

(2) if the fair market value of the property cannot be satisfactorily determined, the cost to replace the property within a reasonable time after the offense was committed.

A price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value of the property.

SECTION 2. IC 35-47-2-7, AS AMENDED BY P.L.158-2013, SECTION 577, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10 **(governing children and firearms),** a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon to any person under eighteen (18) years of age.

(b) ~~It is unlawful for a person to sell, give, or in any manner transfer~~ **A person who knowingly or intentionally sells, gives, or in any other manner transfers** the ownership or possession of a handgun to another person who the person **knows:** ~~has reasonable cause to believe:~~

~~(1) has been:~~

~~(A) convicted of a felony; or~~

~~(B) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;~~

~~(2) is a drug abuser;~~

~~(3) is an alcohol abuser; or~~

~~(4) is mentally incompetent;~~

(1) is ineligible for any reason other than the person's age to purchase or otherwise receive from a dealer a handgun; or

(2) intends to use the handgun to commit a crime;

commits criminal transfer of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

(c) ~~A person who knowingly or intentionally violates this section commits a Level 5 felony.~~ **A person who purchases a handgun with the intent to:**

(1) resell or otherwise provide the handgun to another person who the person knows is ineligible for any reason to purchase or otherwise receive from a dealer a handgun;

(2) resell or otherwise provide the handgun to another person who the person knows intends to use the handgun to commit a crime; or

(3) transport the handgun outside Indiana to be resold or otherwise provided to another person who the transferor knows:

(A) is ineligible to purchase or otherwise receive a handgun; or

(B) intends to use the handgun to commit a crime;

commits the straw purchase of a handgun, a Level 5 felony. However, the offense is a Level 3 felony if the other person uses the handgun to commit murder (IC 35-42-1-1).

(d) As used in this subsection, "NICS" has the meaning set forth in IC 35-47-2.5-2.5. It is a defense to a prosecution under subsection (b)(1) that:

(1) the accused person contacted NICS (or had a dealer contact NICS on the person's behalf) to request a background check on the other person before the accused person sold, gave, or in any other manner transferred the ownership or possession of the handgun to the other person; and

(2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to sell, give, or in any other manner transfer ownership or possession of the handgun to the other person.

SECTION 3. IC 35-47-2.5-1, AS AMENDED BY P.L.190-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) **Sections 2 through 5 of** this chapter ~~does~~ **do** not apply to the following:

(1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.

(2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.

(3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

(1) the state participates in the NICS; and

(2) there is a conflict between:

(A) a provision of this chapter; and

(B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

SECTION 4. IC 35-47-2.5-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:~~

~~(1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.~~

~~(2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:~~

~~(A) a qualified firearms instructor; or~~

~~(B) an adult who is supervising the child while the child is at the range.~~

~~(3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.~~

~~(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.~~

~~(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.~~

~~(6) A child who:~~

~~(A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and~~

~~(B) has permission from the child's parent or legal guardian to possess a firearm.~~

~~(b) A person who purchases a handgun with the intent to:~~

~~(1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or~~

~~(2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm;~~

~~commits a Level 6 felony.~~

~~(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Level 5 felony.~~

SECTION 5. IC 35-47-2.5-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Level 6 felony.~~

~~(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Level 5 felony.~~

SECTION 6. IC 35-47-2.5-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) This section does not apply to a person who complies with IC 35-47-10 (governing children and firearms).**

(b) A person who provides a firearm to an individual who the person knows:

(1) is ineligible to purchase or otherwise receive or possess a firearm for any reason other than the person's age; or

(2) intends to use the firearm to commit a crime;

commits criminal transfer of a firearm, a Level 5 felony. However, the offense is a Level 3 felony if the individual uses the firearm to commit murder (IC 35-42-1-1).

(c) It is a defense to a prosecution under subsection (b)(1) that:

(1) the accused person (or dealer acting on the person's behalf) contacted NICS to request a background check on the individual before the accused person provided the firearm to the individual; and

(2) the accused person (or dealer acting on the person's behalf) received authorization from NICS to provide the firearm to the individual.

SECTION 7. IC 35-47-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) This section does not apply to section 7 of this chapter.**

(b) Except as provided in subsection (c), this chapter does not apply to the following:

(1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.

(2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or supervised by:

(A) a qualified firearms instructor; or

(B) an adult who is supervising the child while the child is at the range.

(3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.

(4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

(A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and

(B) has permission from the child's parent or legal guardian to possess a firearm.

(7) A child who:

(A) is at the child's residence; and

(B) has the permission of the child's parent, an adult family member of the child, or the child's legal guardian to possess a firearm.

(c) This chapter applies to a child, and to a person who provides a firearm to a child, if the child:

(1) is ineligible to purchase or possess a firearm for any reason other than the child's age; or

(2) if the child intends to use a firearm to commit a crime.

SECTION 8. IC 35-47-10-5, AS AMENDED BY P.L.158-2013, SECTION 602, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** A child who knowingly, intentionally, or recklessly

~~(1)~~ possesses a firearm for any purpose other than a purpose described in section 1 of this chapter ~~or~~

~~(2) provides a firearm to another child with or without remuneration for any purpose other than a purpose described in section 1 of this chapter;~~

commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a Level 5 felony if the child has a prior conviction under this section or has been adjudicated a delinquent for an act that would be an offense under this section if committed by an adult.

(b) A child who knowingly or intentionally provides a firearm to another child whom the child knows:

(1) is ineligible for any reason to purchase or otherwise receive from a dealer a firearm; or

(2) intends to use the firearm to commit a crime;

commits a Level 5 felony. However, the offense is a Level 3 felony if the other child uses the firearm to commit murder (IC 35-42-1-1).

SECTION 9. IC 35-47-10-6, AS AMENDED BY P.L.158-2013, SECTION 603, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. An adult who knowingly **or** intentionally ~~or recklessly~~ provides a firearm to a child ~~for any purpose other than those described in section 1 of this chapter, with or without remuneration,~~ **whom the adult knows:**

(1) is ineligible for any reason to purchase or otherwise receive from a dealer a firearm; or

(2) intends to use the firearm to commit a crime;
commits dangerous control of a firearm, a Level 5 felony. However, the offense is a Level 4 felony if the adult has a prior conviction under this section, **and a Level 3 felony if the child uses the firearm to commit murder (IC 35-42-1-1).**

SECTION 10. IC 35-50-2-11, AS AMENDED BY P.L.158-2013, SECTION 665, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "offense" means:

(1) a felony under IC 35-42 that resulted in death or serious bodily injury;

(2) kidnapping; or

(3) criminal confinement as a Level 2 or Level 3 felony.

(c) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.

(d) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(e) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense, the court may sentence the person to an additional fixed term of imprisonment of **between** five (5) **years and twenty (20)** years.

P.L.153-2014
[S.176. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 6-1.1-18.5-3, AS AMENDED BY P.L.234-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A civil taxing unit may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Determine the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount of an excessive levy appeal granted under section 13 of this chapter for the ensuing calendar year.

STEP SEVEN: Determine the greater of STEP FIVE or STEP SIX.

(b) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a civil taxing unit that is located in a county for which:

(1) a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24; or

(2) a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30;

to provide property tax relief in the county. Notwithstanding any provision in this section, any other section of this chapter, or IC 12-20-21-3.2, and except as provided in subsection (c), the maximum permissible ad valorem property tax levy calculated under this section for the ensuing calendar year for a civil taxing unit subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current calendar year.

(c) This subsection applies only to property taxes first due and payable after December 31, 2007. In the case of a civil taxing unit that:

(1) is partially located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30 **to provide property tax relief in the county;** and

(2) is partially located in a county that is not described in subdivision (1);

the department of local government finance shall, notwithstanding subsection (b), adjust the portion of the civil taxing unit's maximum permissible ad valorem property tax levy that is attributable (as determined by the department of local government finance) to the county or counties described in subdivision (2). The department of local government finance shall adjust this portion of the civil taxing unit's maximum permissible ad valorem property tax levy so that, notwithstanding subsection (b), this portion is allowed to increase as otherwise provided in this section. If the department of local government finance increases the civil taxing unit's maximum

permissible ad valorem property tax levy under this subsection, any additional property taxes imposed by the civil taxing unit under the adjustment shall be paid only by the taxpayers in the county or counties described in subdivision (2).

SECTION 2. IC 6-3.5-1.1-9, AS AMENDED BY P.L.261-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Revenue derived from the imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount to be distributed to a county during an ensuing calendar year equals the amount of county adjusted gross income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted for refunds of county adjusted gross income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall provide to the county auditor of each adopting county an estimate of the amount determined under subsection (a) that will be distributed to the county, based on known tax rates. Not later than thirty (30) days after receiving the estimate of the certified distribution, the county auditor shall notify each taxing unit of the estimated amount of property tax replacement credits, certified shares, and other revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Before October 1 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), and (g). Not later than thirty (30) days after receiving the notice of the amount of the certified distribution, the county auditor shall notify each taxing unit of the amount of property tax replacement credits, certified shares, and other revenue that will be

distributed to the taxing unit under this chapter during the ensuing calendar year. The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-1.1-21.1.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter. This information must be certified to the county auditor, the department, and the department of local government finance before October 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that initially imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full

transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after September 30 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), (f), and (g). The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

(f) The budget agency shall adjust the certified distribution of a county to provide the county with the distribution required under section 3.3 of this chapter beginning not later than the tenth month after the month in which additional revenue from the tax authorized under section 3.3 of this chapter is initially collected.

(g) This subsection applies in the year in which a county initially imposes a tax rate under section 24 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 24 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the year in which the county initially imposes a tax rate under section 24 of this chapter; multiplied by

(2) two (2).

(h) The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

(i) The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

(j) The estimates under subsections (h) and (i) must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 24 of this chapter, the additional rate authorized under section 25 of this chapter, the additional rate authorized under section 26 of this chapter, and any other additional rates authorized under this chapter.

SECTION 3. IC 6-3.5-1.1-23, AS AMENDED BY P.L.224-2007, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) A pledge of county adjusted gross income tax revenues **received** under this chapter (other than tax revenue attributable to a tax rate under section 24, 25, or 26 of this chapter **for property tax relief or public safety)** is enforceable in accordance with IC 5-1-14.

(b) With respect to obligations for which a pledge has been made under this chapter, the general assembly covenants with the county and the purchasers or owners of those obligations that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter as long as the principal of or interest on those obligations is unpaid.

SECTION 4. IC 6-3.5-1.1-24, AS AMENDED BY P.L.261-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) In a county in which the county adjusted gross income tax is in effect, the county council may adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county adjusted gross income tax nor the county option income tax is in effect, the county council may adopt an ordinance to impose a tax rate under this section.

(c) If a county council adopts an ordinance to impose or increase a tax rate under this section, not more than ten (10) days after the vote, the county auditor shall send a certified copy of the ordinance to the commissioner of the department, the director of the budget agency, and the commissioner of the department of local government finance in an electronic format approved by the director of the budget agency.

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) **Except as provided in subsection (t),** the following apply only in the year in which a county council first imposes a tax rate under this section:

(1) The county council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county in the first year is equal to the result of:

(A) the tax rate determined for the county under ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the year in which the tax rate is increased; multiplied by

(B) two (2).

(3) The tax rate that must be imposed in the county in the second year is the tax rate determined for the county under ~~IC 6-3.5-1.5-1(b).~~ **IC 6-3.5-1.5-1(c).** The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(4) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) **Except as provided in subsection (t),** the following apply only in a year in which a county council increases a tax rate under this section:

(1) The county council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.

(2) The tax rate that must be imposed in the county is equal to the result of:

(A) the tax rate determined for the county under ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in that year; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its

repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) **Except as provided in subsection (t),** the department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(b), determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 15 of this chapter.

(h) Notwithstanding sections 3.1 and 4 of this chapter, a county council may not decrease or rescind a tax rate imposed under this ~~chapter.~~ **section.**

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3.

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) **Except as provided in subsections (s) and (t),** a distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing the budget of the civil taxing unit and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county council imposes a tax rate under this section **(other than a tax rate imposed under subsection (s)),** the portion of county adjusted gross income tax revenue dedicated to property tax

replacement credits under section 11 of this chapter may not be decreased.

(m) In the year following the year in a which a county first imposes a tax rate under this section, one-half (1/2) of the tax revenue that is attributable to the tax rate under this section **(other than a tax rate imposed under subsection (s))** must be deposited in the county stabilization fund established under subsection (o).

(n) **Except as provided in subsection (t) and IC 8-25,** a pledge of county adjusted gross income taxes does not apply to revenue attributable to a tax rate under this section.

(o) **Except as provided in subsection (t),** a county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) A county council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(s) This subsection applies only to Hancock County and Johnson County. If the voters of the county approve a local public question under IC 8-25-2, the fiscal body of the county may adopt an ordinance to provide for the use of county adjusted gross income tax revenues attributable to an additional tax rate imposed under this subsection to fund a public transportation project under IC 8-25. However, a county fiscal body shall adopt an ordinance under this subsection if required by IC 8-25-6-10 to impose an additional tax rate on the county taxpayers who reside in a township in which the voters approve a public transportation project in a local public question held under IC 8-25-6. An ordinance adopted under this subsection must specify an additional tax rate to be imposed in the county (or township in the case of an additional rate required by IC 8-25-6-10) of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If an ordinance is adopted under this subsection, the amount of the certified distribution attributable to the additional tax rate imposed under this subsection must be:

(1) retained by the county auditor;

(2) deposited in the public transportation project fund established under IC 8-25-3-7; and

(3) used for the purpose provided in this subsection instead of as a property tax replacement distribution.

(t) The following do not apply to an additional tax rate imposed under subsection (s):

(1) Subsection (e).

(2) Subsection (f).

(3) Subsection (g).

(4) Subsection (k).

(5) Subsection (n).

(6) Subsection (o).

SECTION 5. IC 6-3.5-1.1-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: **Sec. 29. Notwithstanding any other law, if an additional tax rate imposed under section 24(s) of this chapter is required by IC 8-25-6-10, the additional tax rate applies only to the county taxpayers who reside in a township in which the voters approve a local public question held under IC 8-25-6.**

SECTION 6. IC 6-3.5-1.5-1, AS AMENDED BY P.L.137-2012, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) This section does not apply to a tax rate imposed under IC 6-3.5-1.1-24(s) or IC 6-3.5-6-30(t) for a public transportation project authorized under IC 8-25.**

~~(a)~~ **(b)** The department of local government finance and the budget agency shall, before September 1 of each year, jointly calculate the county adjusted income tax rate or county option income tax rate (as applicable) that must be imposed in a county to raise income tax revenue in the following year equal to the sum of the following STEPS:

STEP ONE: Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in the county for the ensuing calendar year (before any adjustment under IC 6-1.1-18.5-3(g) or IC 6-1.1-18.5-3(h) for the ensuing calendar year); minus

(2) the sum of the maximum permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing units in the county for the current calendar year.

In the case of a civil taxing unit that is located in more than one (1) county, the department of local government finance shall, for purposes of making the determination under this subdivision, apportion the civil taxing unit's maximum permissible ad valorem property tax levy among the counties in which the civil taxing unit is located.

STEP TWO: This STEP applies only to property taxes first due and payable before January 1, 2009. Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the family and children property tax levy that will be imposed by the county under IC 12-19-7-4 (before its repeal) for the ensuing calendar year (before any adjustment under

IC 12-19-7-4(b) (before its repeal) for the ensuing calendar year); minus

(2) the county's family and children property tax levy imposed by the county under IC 12-19-7-4 (before its repeal) for the current calendar year.

STEP THREE: This STEP applies only to property taxes first due and payable before January 1, 2009. Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the children's psychiatric residential treatment services property tax levy that will be imposed by the county under IC 12-19-7.5-6 ~~for~~ (before its repeal) **for** the ensuing calendar year (before any adjustment under IC 12-19-7.5-6(b) (before its repeal) for the ensuing calendar year); minus

(2) the children's psychiatric residential treatment services property tax imposed by the county under IC 12-19-7.5-6 (before its repeal) for the current calendar year.

STEP FOUR: Determine the greater of zero (0) or the result of:

(1) the department of local government finance's estimate of the county's maximum community mental health centers property tax levy under IC 12-29-2-2 for the ensuing calendar year (before any adjustment under IC 12-29-2-2(c) for the ensuing calendar year); minus

(2) the county's maximum community mental health centers property tax levy under IC 12-29-2-2 for the current calendar year.

~~(b)~~ **(c)** In the case of a county that wishes to impose a tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) for the first time, the department of local government finance and the budget agency shall jointly estimate the amount that will be calculated under subsection (a) in the second year after the tax rate is first imposed. The department of local government finance and the budget agency shall calculate the tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) that must be imposed in the county in the second year after the tax rate is first imposed to raise income tax revenue equal to the estimate under this subsection.

~~(c)~~ **(d)** The budget agency and the department of local government finance shall make the calculations under subsections ~~(a)~~ **(b)** and ~~(b)~~

(c) based on the best information available at the time the calculation is made.

~~(d)~~ **(e)** Notwithstanding IC 6-3.5-1.1-24(h) and IC 6-3.5-6-30(h), if a county has adopted an income tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 to replace property tax levy growth, the part of the tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 that was used before January 1, 2009, to reduce levy growth in the county family and children's fund property tax levy and the children's psychiatric residential treatment services property tax levy shall instead be used for property tax relief in the same manner that a tax rate under IC 6-3.5-1.1-26 or IC 6-3.5-6-32 is used for property tax relief.

SECTION 7. IC 6-3.5-6-17, AS AMENDED BY P.L.261-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the budget agency determines has been:

(1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the budget agency shall provide to the county auditor of each adopting county an estimate of the amount determined under subsection (a) that will be distributed to the county, based on known tax rates. Not later than thirty (30) days after receiving the estimate of the certified distribution, the county auditor shall notify each taxing unit of the estimated amount of distributive shares and other revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Before October 1 of each calendar year, the budget agency shall certify to the county auditor of each adopting county the amount determined under

subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), (e), and (f). Not later than thirty (30) days after receiving the notice of the amount of the certified distribution, the county auditor shall notify each taxing unit of the amount of distributive shares and other revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. The budget agency shall provide the county council with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years;

(4) adjustments for tax rate changes; and

(5) the amount of excess account balances to be distributed under IC 6-3.5-6-17.3.

The budget agency shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter. This information must be certified to the county auditor and to the department of local government finance before October 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter may be used only as specified in those provisions.

(c) The budget agency shall certify an amount less than the amount determined under subsection (b) if the budget agency determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The budget agency may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The budget agency shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The budget agency may reduce the amount of the certified distribution over several calendar

years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that imposes, increases, decreases, or rescinds a tax or tax rate under this chapter before November 1 in the same calendar year in which the budget agency makes a certification under this section. The budget agency shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The budget agency shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c). If the county imposes, increases, decreases, or rescinds a tax or tax rate under this chapter after the date for which a certification under subsection (b) is based, the budget agency shall adjust the certified distribution of the county after September 30 of the calendar year. The adjustment shall reflect any other adjustment required under subsections (c), (d), and (f). The adjusted certification shall be treated as the county's "certified distribution" for the immediately succeeding calendar year. The budget agency shall certify the adjusted certified distribution to the county auditor for the county and provide the county council with an informative summary of the calculations that revises the informative summary provided in subsection (b) and reflects the changes made in the adjustment.

(f) This subsection applies in the year a county initially imposes a tax rate under section 30 of this chapter. Notwithstanding any other provision, the budget agency shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 30 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

(1) the sum of the amounts determined under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the year in which the county initially imposes a tax rate under section 30 of this chapter; multiplied by

(2) the following:

(A) In a county containing a consolidated city, one and five-tenths (1.5).

(B) In a county other than a county containing a consolidated city, two (2).

(g) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first regular business day of each month of that calendar year.

(h) Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

(i) All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

(j) The budget agency shall before May 1 of every odd-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following two (2) calendar years.

(k) The budget agency shall before May 1 of every even-numbered year publish an estimate of the statewide total amount of certified distributions to be made under this chapter during the following calendar year.

(l) The estimates under subsections (j) and (k) must specify the amount of the estimated certified distributions that are attributable to the additional rate authorized under section 30 of this chapter, the additional rate authorized under section 31 of this chapter, the additional rate authorized under section 32 of this chapter, and any other additional rates authorized under this chapter.

SECTION 8. IC 6-3.5-6-18, AS AMENDED BY P.L.135-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) fund the operation of a public library in a county containing a consolidated city as provided in an election, if any, made by the county fiscal body under IC 36-3-7-6;

(5) make payments permitted under IC 36-7-14-25.5 or IC 36-7-15.1-17.5;

(6) make payments permitted under subsection (i);

(7) make distributions of distributive shares to the civil taxing units of a county; ~~and~~

(8) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter; **and**

(9) fund a public transportation project approved in an eligible county under IC 8-25-2 or in a township under IC 8-25-6, if any.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

(1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-3-7-6, IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and

(2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter **for property tax relief or public safety)** to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal

body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 9. IC 6-3.5-6-26, AS AMENDED BY P.L.224-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) A pledge of county option income tax revenues **received** under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter **for property tax relief or public safety)** is enforceable in accordance with IC 5-1-14.

(b) With respect to obligations for which a pledge has been made under this chapter, the general assembly covenants with the county and the purchasers or owners of those obligations that this chapter will not be repealed or amended in any manner that will adversely affect the tax collected under this chapter as long as the principal of or interest on those obligations is unpaid.

SECTION 10. IC 6-3.5-6-30, AS AMENDED BY P.L.261-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) In a county in which the county option income tax is in effect, the county income tax council may adopt an ordinance to impose or increase (as applicable) a tax rate under this section.

(b) In a county in which neither the county option adjusted gross income tax nor the county option income tax is in effect, the county income tax council may adopt an ordinance to impose a tax rate under this section.

(c) If a county income tax council adopts an ordinance to impose or increase a tax rate under this section, not more than ten (10) days after the vote, the county auditor shall send a certified copy of the ordinance to the commissioner of the department, the director of the budget agency, and the commissioner of the department of local government finance in an electronic format approved by the director of the budget agency.

(d) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(e) **Except as provided in subsection (u),** the following apply only in the year in which a county income tax council first imposes a tax rate under this section:

(1) The county income tax council shall, in the ordinance imposing the tax rate, specify the tax rate for each of the following two (2) years.

(2) The tax rate that must be imposed in the county in the first year is equal to the result of:

(A) the tax rate determined for the county under ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in that year; multiplied by

(B) the following:

(i) In a county containing a consolidated city, one and five-tenths (1.5).

(ii) In a county other than a county containing a consolidated city, two (2).

(3) The tax rate that must be imposed in the county in the second year is the tax rate determined for the county under ~~IC 6-3.5-1.5-1(b).~~ **IC 6-3.5-1.5-1(c).** The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(4) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year and to property taxes first due and payable in the calendar year after the ensuing calendar year.

(f) **Except as provided in subsection (u),** the following apply only in a year in which a county income tax council increases a tax rate under this section:

(1) The county income tax council shall, in the ordinance increasing the tax rate, specify the tax rate for the following year.

(2) The tax rate that must be imposed in the county is equal to the result of:

(A) the tax rate determined for the county under ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the year the tax rate is increased; plus

(B) the tax rate currently in effect in the county under this section.

The tax rate under this subdivision continues in effect in later years unless the tax rate is increased under this section.

(3) The levy limitations in IC 6-1.1-18.5-3(b), IC 6-1.1-18.5-3(c), IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its repeal), and IC 12-29-2-2(c) apply to property taxes first due and payable in the ensuing calendar year.

(g) **Except as provided in subsection (u),** the department of local government finance shall determine the following property tax replacement distribution amounts:

STEP ONE: Determine the sum of the amounts determined under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** for the county in the preceding year.

STEP TWO: For distribution to each civil taxing unit that in the year had a maximum permissible property tax levy limited under IC 6-1.1-18.5-3(b), determine the result of:

(1) the quotient of:

(A) the part of the amount determined under STEP ONE of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year that was attributable to the civil taxing unit; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP THREE: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county family and children's fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP TWO of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FOUR: For distributions in 2009 and thereafter, the result of this STEP is zero (0). For distribution to the county for deposit in the county children's psychiatric residential treatment services fund before 2009, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP THREE of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

STEP FIVE: For distribution to the county for community mental health center purposes, determine the result of:

(1) the quotient of:

(A) the amount determined under STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** in the preceding year; divided by

(B) the STEP ONE amount; multiplied by

(2) the tax revenue received by the county treasurer under this section.

Except as provided in subsection (m), the county treasurer shall distribute the portion of the certified distribution that is attributable to a tax rate under this section as specified in this section. The county treasurer shall make the distributions under this subsection at the same time that distributions are made to civil taxing units under section 18 of this chapter.

(h) Notwithstanding sections 12 and 12.5 of this chapter, a county income tax council may not decrease or rescind a tax rate imposed under this section.

(i) The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under IC 6-1.1-18.5-3.

(j) The tax levy under this section shall not be considered for purposes of the credit under IC 6-1.1-20.6.

(k) **Except as provided in subsections (t) and (u),** a distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing its budget and for determining the distribution of taxes that are distributed on the basis of property tax levies.

(l) If a county income tax council imposes a tax rate under this section **(other than a tax rate imposed under subsection (t)),** the county option income tax rate dedicated to locally funded homestead credits in the county may not be decreased.

(m) In the year following the year in which a county first imposes a tax rate under this section:

(1) one-third (1/3) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection (o), in the case of a county containing a consolidated city; and

(2) one-half (1/2) of the tax revenue that is attributable to the tax rate under this section **(other than a tax rate imposed under subsection (t))** must be deposited in the county stabilization fund established under subsection (o), in the case of a county not containing a consolidated city.

(n) **Except as provided in subsection (t) and IC 8-25,** a pledge of county option income taxes does not apply to revenue attributable to a tax rate under this section.

(o) **Except as provided in subsections (t) and (u),** a county stabilization fund is established in each county that imposes a tax rate under this section. The county stabilization fund shall be administered by the county auditor. If for a year the certified distributions attributable to a tax rate under this section exceed the amount calculated under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section, the excess shall be deposited in the county stabilization fund. Money shall be distributed from the county stabilization fund in a year by the county auditor to political subdivisions entitled to a distribution of tax revenue attributable to the tax rate under this section if:

(1) the certified distributions attributable to a tax rate under this section are less than the amount calculated under STEP ONE through STEP FOUR of ~~IC 6-3.5-1.5-1(a)~~ **IC 6-3.5-1.5-1(b)** that is used by the department of local government finance and the department of state revenue to determine the tax rate under this section for a year; or

(2) the certified distributions attributable to a tax rate under this section in a year are less than the certified distributions attributable to a tax rate under this section in the preceding year.

However, subdivision (2) does not apply to the year following the first year in which certified distributions of revenue attributable to the tax rate under this section are distributed to the county.

(p) Notwithstanding any other provision, a tax rate imposed under this section may not exceed one percent (1%).

(q) **Except as provided in subsection (u),** a county income tax council must each year hold at least one (1) public meeting at which the county council discusses whether the tax rate under this section should be imposed or increased.

(r) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(s) Notwithstanding any other provision, in:

(1) Lake County;

(2) Delaware County; and

(3) Madison County;

the county council (and not the county income tax council) is the entity authorized to take actions concerning the additional tax rate under this section.

(t) This subsection applies only to Delaware County and Madison County. If the voters of a county approve a local public question under IC 8-25-2, the fiscal body of the county may, after at least one (1) public meeting, adopt an ordinance to provide for the use of county option income tax revenue attributable to an additional tax rate imposed under this subsection to fund a public transportation project under IC 8-25. However, a county fiscal body shall adopt an ordinance under this subsection if required by IC 8-25-6-10 to impose an additional tax rate on the county taxpayers who reside in a township in which the voters approve a public transportation project in a local public question held under IC 8-25-6. An ordinance adopted under this subsection must specify an additional tax rate to be imposed in the county (or township in the case of an additional rate required by IC 8-25-6-10) of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If an ordinance is adopted under this

subsection, the amount of the certified distribution attributable to the additional tax rate imposed under this subsection must be:

(1) retained by the county auditor;

(2) deposited in the county public transportation project fund established under IC 8-25-3-7; and

(3) used for the purpose provided in this subsection instead of as a property tax replacement distribution.

(u) The following do not apply to an additional tax rate imposed under subsection (t):

(1) Subsection (e).

(2) Subsection (f).

(3) Subsection (g).

(4) Subsection (k).

(5) Subsection (n).

(6) Subsection (o).

(7) Subsection (q).

SECTION 11. IC 6-3.5-6-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 34. Notwithstanding any other law, if an additional tax rate imposed under section 30(t) of this chapter is required by IC 8-25-6-10, the additional tax rate applies only to the county taxpayers who reside in a township in which the voters approve a local public question held under IC 8-25-6.**

SECTION 12. IC 6-3.5-7-5, AS AMENDED BY P.L.261-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. **Except as provided in section 26(m) of this chapter,** the entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on October 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on October 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in this section and section 28 of this chapter, the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);
(2) two-tenths percent (0.2%);
(3) twenty-five hundredths percent (0.25%);
(4) three-tenths percent (0.3%);
(5) thirty-five hundredths percent (0.35%);
(6) four-tenths percent (0.4%);
(7) forty-five hundredths percent (0.45%); or
(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in this section, the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in this section, the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county.".

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department, the director of the budget agency, and the commissioner of the department of local

government finance in an electronic format approved by the director of the budget agency.

(g) For Jackson County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(h) For Pulaski County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(i) For Wayne County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(j) This subsection applies to Randolph County. Except as provided in subsection (o), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(k) For Daviess County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(l) For:

(1) Elkhart County; or

(2) Marshall County;

except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For Union County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) This subsection applies to Knox County. Except as provided in subsection (o), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(o) **This subsection applies to a county in which an adopting entity approves the use of the certified distribution for property tax relief under section 26(c) and 26(e) of this chapter or to a county in which the county fiscal body approves the use of the certified distribution to fund a public transportation project under section 26(m) of this chapter.** In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

~~However,~~ **Except as provided in section 5.5 of this chapter,** the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes

on homesteads (as defined in IC 6-1.1-20.9-1 (repealed) before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

(p) If the county economic development income tax is imposed as authorized under subsection (o) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for ~~the~~ **a** purpose provided in section 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(q) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (o), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(r) Except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(s) This subsection applies to Howard County. Except as provided in subsection (o), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(t) This subsection applies to Scott County. Except as provided in subsection (o), the sum of the county economic development income

tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Jasper County. Except as provided in subsection (o), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(v) An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

(1) the county economic development income tax rate plus the county adjusted gross income tax rate; or

(2) the county economic development tax rate plus the county option income tax rate.

(w) The income tax rate limits imposed by subsection (c) or (x) or any other provision of this chapter do not apply to:

(1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or

(2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or (x) or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

(x) This subsection applies to Monroe County. Except as provided in subsection (o), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(y) This subsection applies to Perry County. Except as provided in subsection (o), if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the

county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

(z) This subsection applies to Starke County. Except as provided in subsection (o), if an ordinance is adopted under section 27.6 of this chapter, the county economic development income tax rate plus the county adjusted gross income tax rate that is in effect on January 1 of a year may not exceed two percent (2%).

SECTION 13. IC 6-3.5-7-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) This section applies to Hamilton County and Marion County.**

(b) If an additional tax rate is imposed under section 5(o) of this chapter:

(1) by a county subject to this section; and

(2) for the purpose described in section 26(m) of this chapter; the additional tax rate is not subject to the limitations set forth in section 5(o) of this chapter that relate to increased ad valorem property taxes on homesteads or residential property resulting from the exclusion of inventory from the definition of personal property in IC 6-1.1-1-11.

SECTION 14. IC 6-3.5-7-26, AS AMENDED BY P.L.137-2012, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) This section applies only to **the following:**

(1) Taxes imposed under this chapter to provide homestead and property tax replacement credits for property taxes first due and payable after calendar year 2006.

(2) Taxes imposed under this chapter to fund a public transportation project under subsection (m).

(b) The following definitions apply throughout this section:

(1) "Adopt" includes amend.

(2) "Adopting entity" means:

(A) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

(B) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) "Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(4) "Residential" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property.

(c) **This subsection does not apply to a county in which the county fiscal body adopts an ordinance to provide for the use of the certified distribution described in section 16 of this chapter to fund a public transportation project under IC 8-25.** An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16 of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. The ordinance may provide for an additional rate under section 5(o) of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section 16 of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for one (1) of the following, as determined by the adopting entity:

(A) Uniformly applied homestead credits as provided in subsection (f).

(B) Uniformly applied residential credits as provided in subsection (g).

(C) Allocated homestead credits as provided in subsection (i).

(D) Allocated residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter (before its repeal).

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection (k); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16 of this chapter to provide:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), a homestead credit for homesteads; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), a property tax replacement credit for residential property;

for property taxes to offset the effect on homesteads or residential property, as applicable, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11. The amount of a residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 (before its repeal) or another law other than IC 6-1.1-20.6.

(f) If the imposing entity specifies the application of uniform homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which a homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide a homestead credit percentage under this section for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the percentage of homestead credit under this section that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform residential credits under subsection (c)(2)(B), the county auditor shall determine for each calendar year in which a homestead credit percentage is authorized under this section:

(1) the amount of the certified distribution that is available to provide a residential property tax replacement credit percentage for the year;

(2) the amount of uniformly applied residential property tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the percentage of residential property tax replacement credit under this section that equates to the amount of residential property tax replacement credits determined under subdivision (2).

(h) The percentage of homestead credit determined by the county auditor under subsection (f) or the percentage of residential property tax replacement credit determined by the county auditor under subsection (g) applies uniformly in the county in the calendar year for which the percentage is determined.

(i) If the imposing entity specifies the application of allocated homestead credits under subsection (c)(2)(C), the county auditor shall, for each calendar year in which a homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide a homestead credit under this section for the year; and

(2) except as provided in subsection (l), a percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the assessment date in 2006 bears to the total inventory assessed

value deducted under IC 6-1.1-12-42 in the county for the assessment date in 2006.

(j) If the imposing entity specifies the application of allocated residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall determine for each calendar year in which a residential property tax replacement credit is authorized under this section:

(1) the amount of the certified distribution that is available to provide a residential property tax replacement credit under this section for the year; and

(2) except as provided in subsection (l), a percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the assessment date in 2006 bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the assessment date in 2006.

(k) **This subsection does not apply to a county in which the county fiscal body adopts an ordinance to provide for the use of the certified distribution described in section 16 of this chapter to fund a public transportation project under IC 8-25.** The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the homestead credit or residential property tax replacement credit provided under this section within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of a homestead credit or residential property tax replacement credit under this section.

(l) **This subsection does not apply to a county in which the county fiscal body adopts an ordinance to provide for the use of the certified distribution described in section 16 of this chapter to fund a public transportation project under IC 8-25.** Subject to the

approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or

(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.

(m) This section applies to Hamilton County and Marion County. If the voters of a county approve a local public question under IC 8-25-2, the fiscal body of the county may adopt an ordinance to provide for the use of the certified distribution described in section 16 of this chapter to fund a public transportation project under IC 8-25. However, a county fiscal body shall adopt an ordinance under this subsection if required by IC 8-25-6-10 to impose an additional tax rate on the county taxpayers who reside in a township in which the voters approve a public transportation project in a local public question held under IC 8-25-6. An ordinance adopted under this subsection must specify an additional tax rate to be imposed in the county (or township in the case of an additional rate required by IC 8-25-6-10) of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If an ordinance is adopted under this subsection, the amount of the certified distribution attributable to the additional tax rate specified in the ordinance and authorized by section 5(o) of this chapter to fund a public transportation project under IC 8-25 must be:

(1) retained by the county auditor;

(2) deposited in the public transportation project fund established under IC 8-25-3-7; and

(3) used for the purpose provided in this subsection instead of the purposes specified in the capital improvement plan adopted under section 15 of this chapter.

SECTION 15. IC 6-3.5-7-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 29. Notwithstanding any other law, if an additional**

tax rate imposed under sections 5(o) and 26(m) of this chapter is required by IC 8-25-6-10, the additional tax rate applies only to the county taxpayers who reside in a township in which the voters approve a local public question held under IC 8-25-6.

SECTION 16. IC 8-23-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The public mass transportation fund is established for the purpose of promoting and developing public mass transportation in Indiana. The fund shall be administered by the department.

(b) The treasurer of state may invest the money in the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a fiscal year does not revert to the state general fund.

(d) This subsection applies to a calendar year beginning after December 31 of a calendar year in which an eligible county (as defined by IC 8-25-1-4) begins to carry out a public transportation project approved under IC 8-25. The distribution formula established by the department is subject to annual review by the budget committee and approval by the budget director to ensure that a public mass transportation system located in a county other than an eligible county is not adversely affected by a public transportation project carried out under IC 8-25.

SECTION 17. IC 8-25 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 25. CENTRAL INDIANA PUBLIC TRANSPORTATION PROJECTS

Chapter 1. General Provisions

Sec. 1. The purpose of this article is to provide a flexible means of planning, designing, acquiring, constructing, enlarging, improving, renovating, maintaining, equipping, financing, operating, and supporting public transportation systems that can be adapted to the unique circumstances existing in central Indiana.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Bonds" means, except as otherwise provided, bonds, notes, or other evidences of indebtedness. The term includes

obligations (as defined in IC 8-9.5-9-3) and swap agreements (as defined in IC 8-9.5-9-4).

Sec. 4. "Eligible county" means one (1) or more of the following counties:

(1) Delaware County.
(2) Hamilton County.
(3) Hancock County.
(4) Johnson County.
(5) Madison County.
(6) Marion County.

Sec. 5. "Light rail" means a streetcar type vehicle railway operated on city streets, semi-private rights-of-way, or exclusive private rights-of-way using step-entry vehicles or level boarding.

Sec. 6. "Public transportation project" refers to an action taken to:

(1) plan;
(2) design;
(3) acquire;
(4) construct;
(5) enlarge;
(6) improve;
(7) renovate;
(8) maintain;
(9) equip; or
(10) operate;

a public transportation system in an eligible county.

Sec. 7. "Public transportation agency" has the meaning set forth in IC 36-9-1-5.5.

Sec. 8. "Public transportation system" means any common carrier of passengers for hire.

Chapter 2. Local Public Questions on Central Indiana Public Transportation Projects

Sec. 1. Except as provided in IC 8-25-4-6, the fiscal body of an eligible county may adopt an ordinance to place on the ballot a local public question granting the fiscal body of the eligible county the authority to fund and carry out a public transportation project. The fiscal body shall include in the ordinance:

(1) a description of the public transportation services that will be provided through the proposed public transportation project; and

(2) an estimate of each tax necessary to annually fund the public transportation project.

Sec. 2. If the fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify a copy of the ordinance to the department of local government finance, including the language for the question required by section 3, 4, or 5 of this chapter, whichever is applicable to the eligible county. The department shall review the language for compliance with section 3, 4, or 5 of this chapter, whichever is applicable to the eligible county. The department of local government finance may approve or reject the language. The department shall send its decision to the county auditor and the fiscal body of the eligible county not more than ten (10) days after the ordinance is submitted to the department. If the language is approved, the county auditor shall certify a copy of the ordinance, including the language for the question and the department's approval, to the county election board of the eligible county.

Sec. 3. (a) This section applies to Hamilton County and Marion County.

(b) If a fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify the ordinance to the county election board, and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

"Shall _____ County have the ability to impose a county economic development income tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question), to pay for improving or establishing public transportation service in the county through a public transportation project that _____ (insert the description of the public transportation project set forth in the ordinance authorizing the local public question)?".

Sec. 4. (a) This section applies to Delaware County and Madison County.

(b) If a fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify the ordinance to the county election board, and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

> **"Shall _____ County have the ability to impose a county option income tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question), to pay for improving or establishing public transportation service in the county through a public transportation project that _____ (insert the description of the public transportation project set forth in the ordinance authorizing the local public question)?".**

Sec. 5. (a) This section applies to Hancock County and Johnson County.

(b) If a fiscal body of an eligible county adopts an ordinance under section 1 of this chapter, the county auditor shall certify the ordinance to the county election board, and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

> **"Shall _____ County have the ability to impose a county adjusted gross income tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question), to pay for improving or establishing public transportation service in the county through a public transportation project that _____ (insert the description of the public transportation project set forth in the ordinance authorizing the local public question)?".**

Sec. 6. Except as provided in section 9 of this chapter, if a county auditor certifies an ordinance under section 3, 4, or 5 of this chapter, the county election board shall place the local public question on the ballot at the next general election for which the question may be certified under IC 3-10-9-3 and for which all voters of the county are entitled to vote.

Sec. 7. After an election on the local public question, the circuit court clerk of the county shall:

(1) make a certified copy of the election returns; and

(2) not later than five (5) days after the election, file the copy with:

(A) the department of state revenue; and

(B) the fiscal body of the county.

Sec. 8. The local public question is approved by a county if a majority of the county voters voting on the local public question vote "yes". The local public question is defeated by a county if a majority of the county voters voting on the local public question vote "no".

Sec. 9. If the local public question is defeated in a county, the fiscal body may adopt an ordinance under section 1 of this chapter to place another local public question on the ballot as provided in this chapter at a subsequent general election in the county. However, a local public question may not be placed on the ballot under this chapter more than two (2) times in any seven (7) year period.

Sec. 10. Nothing in this article creates a moral obligation of the state:

(1) to pay for any transportation project or service or other amounts under this article; or

(2) to pay any bonds issued under this article.

Sec. 11. No general tax revenues of the state may be used to pay for a transportation project or service under this article. However, this section does not apply to distributions from the public mass transportation fund.

Sec. 12. (a) Except as otherwise provided in this section, during the period beginning with the date on which an ordinance is adopted under this chapter to place a local public question on the ballot and continuing through the day on which the public question is submitted to the voters under this chapter, a political subdivision may not promote a position on the local public question by doing any of the following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position on the local public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the local public question.

(3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time. However, if a person described in subsection (b) is advocating for or against a position on the local public question or discussing the local public question as authorized under subsection (b), an employee of the political subdivision may assist the person in presenting information on the public question if requested to do so by the person described in subsection (b).

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a local public question that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the local public question in response to inquiries from any person.

(b) Notwithstanding any other law, an elected or appointed official of a political subdivision may:

(1) personally advocate for or against a position on a local public question; or

(2) discuss the public question with any individual, group, or organization or personally advocate for or against a position on a local public question before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds.

Chapter 3. Funding for Central Indiana Public Transportation Projects

Sec. 1. (a) This section applies to Hamilton County and Marion County.

(b) If the voters of an eligible county approve a local public question under IC 8-25-2, the fiscal body of the eligible county may, subject to section 4 of this chapter, adopt an ordinance under IC 6-3.5-7-26(m) to impose an additional county economic

development income tax rate as allowed by IC 6-3.5-7-5(o) for the public transportation project.

Sec. 2. (a) This section applies to Delaware County and Madison County.

(b) If the voters of an eligible county approve a local public question under IC 8-25-2, the fiscal body of the eligible county may, subject to section 4 of this chapter, adopt an ordinance under IC 6-3.5-6-30(t) to impose an additional county option income tax rate for the public transportation project.

Sec. 3. (a) This section applies to Hancock County and Johnson County.

(b) If the voters of an eligible county approve a local public question under IC 8-25-2, the fiscal body of the eligible county may, subject to section 4 of this chapter, adopt an ordinance under IC 6-3.5-1.1-24(s) to impose an additional county adjusted gross income tax rate for the public transportation project.

Sec. 4. The fiscal body of an eligible county may not adopt an ordinance imposing a tax rate or a tax for a public transportation project unless the tax rate or tax was described in an ordinance adopted under IC 8-25-2-1 and in the local public question on the approval of the public transportation project.

Sec. 5. (a) The minimum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed to fund a public transportation project is one-tenth percent (0.1%).

(b) The maximum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed to fund a public transportation project is twenty-five hundredths percent (0.25%).

Sec. 6. (a) The following apply to the funding of a public transportation project:

(1) For the first year of operations, an amount must be raised from sources other than taxes and fares that is equal to at least ten percent (10%) of the revenue that the budget agency certifies that the county will receive in that year from a county adjusted gross income tax, county option income tax, or county economic development income tax imposed to fund the public transportation project.

(2) For the second year of operations and each year thereafter, at least ten percent (10%) of the annual operating expenses of the public transportation project must be paid from sources other than taxes and fares. For purposes of this subdivision, operating expenses include only those expenses incurred in the operation of fixed route services that are established or expanded as a result of a public transportation project authorized and funded under this article.

The budget agency shall assist the fiscal body of an eligible county in determining the amount of money that must be raised under subdivision (1).

(b) A county fiscal body or another entity authorized to carry out a public transportation project under IC 8-25-4 shall raise the revenue required by subsection (a) for a particular calendar year before the end of the third quarter of the preceding calendar year. Money raised under this section must be deposited in the county public transportation fund established under section 7 of this chapter.

(c) If a county fiscal body or other entity fails to raise the revenue required by subsection (a) before the deadline specified in subsection (b), the county in which the public transportation project is located is responsible for paying the difference between:

(1) the amount that subsection (a) requires to be raised from sources other than taxes and fares; minus

(2) the amount actually raised from sources other than taxes and fares.

Sec. 7. (a) If the fiscal body of an eligible county imposes taxes to fund a public transportation project, the county treasurer of the eligible county shall establish a county public transportation project fund to receive tax revenues collected for the public transportation project. Money received from a foundation established under IC 8-25-7 or IC 8-25-8 may be deposited into the fund.

(b) Money in a fund established under subsection (a) at the end of the eligible county's fiscal year remains in the fund. Interest earned by the fund must be deposited in the fund.

(c) Money deposited in an eligible county's public transportation project fund may be used only to purchase, establish, operate, repair, or maintain a public transportation project authorized

under this article. Money in the fund may be pledged by the fiscal body of the eligible county to the repayment of bonds issued for purposes of a public transportation project authorized under this article.

(d) The fiscal body of an eligible county may, in the manner provided by law, appropriate money from the fund to a public transportation corporation that is authorized to purchase, establish, operate, repair, or maintain the public transportation project if the public transportation project is located, either entirely or partially, within the eligible county.

Sec. 8. For purposes of this chapter, IC 36-9-2-2(b), and IC 36-9-4-58(b), the purchase of equipment or other personal property is considered an operating expense if the equipment or other personal property has a useful life of less than three (3) years.

Chapter 4. Carrying Out Central Indiana Public Transportation Projects

Sec. 1. An eligible county may carry out a public transportation project in accordance with the powers granted to the county by IC 36-9-2 and this article.

Sec. 2. The fiscal body of an eligible county may adopt an ordinance authorizing a public transportation corporation to carry out a public transportation project in accordance with the powers granted to the public transportation corporation under IC 36-9-4 and subject to the appropriating power of the fiscal body and any other powers reserved for the fiscal body by this article.

Sec. 3. The fiscal body of an eligible county may adopt an ordinance authorizing the executive of the county to enter into an interlocal agreement with the executive of another eligible county to carry out jointly a public transportation project approved by the voters of both counties in local public questions held under this article.

Sec. 4. The fiscal body of an eligible county may adopt an ordinance authorizing the executive of the county to enter into one (1) or more public-private partnership contracts under which a public transportation project is carried out, in whole or in part, by one (1) or more nongovernmental entities.

Sec. 5. If an ordinance authorizing public-private partnership contracts is adopted under section 4 of this chapter, the executive

of the eligible county shall issue a request for proposals with respect to each proposed public-private partnership contract and award each contract under IC 5-22-9.

Sec. 6. An eligible county may carry out only one (1) public transportation project under this article. The fiscal body of an eligible county may not adopt a subsequent ordinance under IC 8-25-2-1 after a public transportation project is approved by the voters of the county under IC 8-25-2.

Sec. 7. (a) As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

(b) As used in this section, "veteran business enterprise" means a business enterprise that has a current verification as a veteran owned small business concern under 38 CFR 74 et seq. by the Center of Veterans Enterprise of the United States Department of Veterans Affairs.

(c) As used in this section, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

(d) Except where 49 CFR 26 applies, the fiscal body of an eligible county or another person authorized to carry out a public transportation project under this chapter shall set a goal for participation by minority business enterprises, veteran business enterprises, and women's business enterprises in conformity with the goals established by the department of minority and women's business development of a consolidated city and the goals of the department of administration established under IC 5-22-14-11 for veteran business enterprises. The goals must be consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services.

Sec. 8. If a transportation project is approved in an eligible county, transportation services must be provided through the transportation project throughout the eligible county and must be made available under this article to all citizens of the county.

Sec. 9. An eligible county may not:

(1) purchase, lease, or otherwise acquire;

(2) construct;

(3) operate;

(4) cause any person to purchase, lease, acquire, construct, or operate; or

(5) expend revenues deposited in the county public transportation project fund established under IC 8-25-3-7 on; a light rail project.

Sec. 10. If a public transportation project is authorized by a local public question held in a township under IC 8-25-6, the fiscal body of the eligible county in which the township is located shall carry out the public transportation project. An eligible county may exercise any power authorized by this chapter in carrying out the public transportation project in the township. Any duty imposed upon an eligible county by this chapter applies with respect to a public transportation project carried out in the township.

Chapter 5. Bonding for Central Indiana Public Transportation Projects

Sec. 1. This chapter applies to the issuance of bonds by an eligible county for purposes of a public transportation project authorized under this article.

Sec. 2. As used in this chapter, "bonds" has the meaning set forth in IC 36-1-2-2.

Sec. 3. (a) Upon request of the county executive, the county fiscal body may borrow money and issue bonds in the name of the county in principal amounts and maturities as the fiscal body determines necessary to provide sufficient funds for the purposes specified in this article, including:

(1) the payment of costs of the public transportation project for which bonds are authorized, costs of issuance, or related costs of financing;

(2) the payment of interest on the bonds;

(3) the establishment of reserves to secure the bonds; and

(4) all other expenditures of the county incident to, necessary, and convenient to carry out this chapter.

(b) Before bonds may be issued under this chapter, the county fiscal body shall give notice of a public hearing to disclose the purpose for which the bond issue is proposed, the amount of the proposed issue, and other pertinent data. The county fiscal body shall publish in accordance with IC 5-3-1 a notice of the time, place, and general purpose of the hearing.

Sec. 4. (a) The bonds must be authorized by ordinance of the fiscal body. The ordinance must provide the following with respect to the bonds:

(1) The original date of the bonds.

(2) The time or times that the bonds mature. However, a bond may not mature more than twenty (20) years after the date it is issued.

(3) The maximum interest rate or rates, including variations of the rates.

(4) The denominations.

(5) The form, either coupon or registered.

(6) The registration privileges.

(7) The medium of payment and the place or places of payment.

(8) The terms of redemption, including redemption before maturity.

(b) Bonds issued under this chapter must be sold under IC 5-1-11, and at a price or prices determined by the county fiscal body in the ordinance.

Sec. 5. An ordinance authorizing the issuance of bonds under this chapter or trust indenture under which the bonds are issued may contain the following provisions:

(1) Pledging revenues of the county to secure the payment of the bonds, subject to section 6 of this chapter and existing agreements with bondholders.

(2) Setting aside reserves or sinking funds and the regulation and disposition of these funds.

(3) Limitations on the purposes to which the proceeds from the sale of bonds may be applied.

(4) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds.

(5) The procedure, if any, by which the terms of a contract with bondholders may be amended or abrogated and the manner in which the consent to the amendment or abrogation may be given.

(6) Vesting in a trustee property, rights, powers, and trust as the county fiscal body determines, and limiting or abrogating the right of the bondholders to appoint a trustee or to limit the rights, powers, and duties of the trustee.

(7) Defining acts or omissions that will constitute a default and the obligations or duties of the county fiscal body to the

bondholders and providing for the rights and remedies of the bondholders in the event of default. However, the rights and remedies must not be inconsistent with this chapter or other laws of this state.

(8) A covenant that the fiscal body will not repeal or adversely modify the taxes or sources of revenue that are pledged to secure the payment of the bonds.

(9) Any other matter that affects the security or protection of the bondholders.

Sec. 6. (a) Except as provided in subsection (b), the county fiscal body may pledge revenues for the payment of principal and interest on the bonds and for other purposes under the ordinance as provided by IC 5-1-14-4, including revenues from the following sources:

(1) The county adjusted gross income tax in Hancock County or Johnson County.

(2) The county option income tax in Delaware County or Madison County.

(3) The county economic development income tax in Hamilton County or Marion County.

(b) The county fiscal body may not pledge to levy ad valorem property taxes for these purposes.

(c) If the county fiscal body has pledged revenues from the county economic development income tax as set forth in subsection (a), the county fiscal body may covenant that the county fiscal body will not repeal or modify the tax in a manner that would adversely affect owners of outstanding bonds issued under this chapter. The county fiscal body may make the covenant by adopting an ordinance.

Sec. 7. (a) The bonds may be secured by a trust indenture between the county and a bank having the power of a trust company or any trust company.

(b) The trust indenture may provide for:

(1) protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law;

(2) covenants setting forth the duties of the county fiscal body in relation to the exercise of its powers and the custody,

safekeeping, and application of money related to the bond financing for which the trust indenture exists;

(3) the payment of the proceeds of the bonds and the revenue of the trustee under the trust indenture; and

(4) the method of disbursement of the proceeds of the bonds and the revenue to the trustee, with safeguards and restrictions as the county fiscal body may determine.

Sec. 8. Bonds issued by the county under this chapter must be executed by the manual or facsimile signatures of the executive and attested to by the county auditor.

Sec. 9. Money received from the bonds issued under this chapter shall be applied solely to the purposes for which the bonds were issued, except as provided in IC 5-1-13 and IC 5-1-14.

Sec. 10. The bonds are negotiable instruments, subject only to the provisions of the bonds relating to registration.

Sec. 11. Bonds issued under this chapter are exempt from taxation in Indiana under IC 6-8-5.

Sec. 12. Bonds issued by the county under this chapter are exempt from registration and other requirements of IC 23 and any other securities registration laws.

Sec. 13. The general assembly pledges to and covenants with the owner of any bonds issued under this chapter that the general assembly will not limit or alter the ability of the county to fulfill the terms of the agreements or pledges made with bondholders or in any way impair the rights or remedies of the bondholders until the bonds and related obligations are fully met and discharged.

Sec. 14. IC 6-1.1-20 does not apply to the issuance of bonds under this chapter.

Sec. 15. Bonds issued under this chapter do not create a moral obligation of the state to pay all or part of the debt.

Chapter 6. Township Opt-in

Sec. 1. This chapter applies to a township located in an eligible county.

Sec. 2. (a) If:

(1) the fiscal body of the county in which the township is located does not adopt an ordinance under IC 8-25-2-1; and

(2) the township is adjacent to either:

(A) an eligible county in which a public transportation project has been approved under IC 8-25-2; or

(B) a township in which a public transportation project has been approved under this chapter;

the fiscal body of the township may pass a resolution to place on the ballot a local public question on whether the fiscal body of the eligible county should be required to fund and carry out a public transportation project in the township.

(b) The fiscal body of the township shall include in the resolution passed under subsection (a):

(1) a description of the public transportation services that will be provided in the township through the proposed public transportation project; and

(2) an estimate of each tax necessary to annually fund the public transportation project in the township.

Sec. 3. If the fiscal body of a township adopts a resolution under section 2 of this chapter, the township trustee shall certify a copy of the resolution to the department of local government finance, including the language for the question required by IC 8-25-2-3, IC 8-25-2-4, or IC 8-25-2-5, whichever is applicable to the eligible county in which the township is located. The township trustee may modify the proposed local question as necessary to indicate that the local question concerns a public transportation project for the township. The department shall review the language for compliance with section 3, 4, or 5 of this chapter, whichever is applicable to the eligible county, while taking into account any necessary modifications for the township. The department of local government finance may approve or reject the language. The department shall send its decision to the township trustee and the fiscal body of the township not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the township trustee shall certify a copy of the resolution, including the language for the question and the department's approval, to the county election board of the eligible county.

Sec. 4. If the county election board of an eligible county receives from a township trustee a certified copy of the resolution adopted under section 2 of this chapter and the approved language for the local public question, the county election board shall place the following question on the election ballot in accordance with IC 3-10-9:

"Shall _____ County impose a _____ (insert the name of the applicable income tax under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7) tax rate, not to exceed a rate of _____ (insert recommended rate included in the ordinance authorizing the local public question), on the county taxpayers residing in _____ Township to pay for improving or establishing public transportation service in _____ Township through a public transportation project that _____ (insert the description of the public transportation project set forth in the township resolution authorizing the local public question)?".

Sec. 5. If a township trustee certifies a resolution under section 3 of this chapter, the county election board shall place the local public question on the ballot at the next general election for which the question may be certified under IC 3-10-9-3 and for which all voters of the township are entitled to vote.

Sec. 6. After an election on the local public question, the circuit court clerk of the eligible county in which the township is located shall:

(1) make a certified copy of the election returns; and

(2) not later than five (5) days after the election, file the copy with:

(A) the department of state revenue;

(B) the fiscal body of the county; and

(C) the fiscal body of the township.

Sec. 7. The local public question is approved by a township if a majority of the township voters voting on the local public question vote "yes". The local public question is defeated by a township if a majority of the township voters voting on the local public question vote "no".

Sec. 8. If the local public question is defeated in a township, the fiscal body of the township may not adopt a resolution under section 2 of this chapter to place another local public question on the ballot as provided in this chapter at a subsequent general election in the township.

Sec. 9. IC 8-25-2-12 applies to a local public question held under this chapter.

Sec. 10. If the voters of a township located in an eligible county approve a local public question under this chapter, the fiscal body of the eligible county shall adopt an ordinance under IC 6-3.5-1.1-24(s), IC 6-3.5-6-30(t), or IC 6-3.5-7-26(m), whichever is applicable to the eligible county, to impose an additional county adjusted gross income tax rate, county option income tax rate, or county economic development income tax rate upon the county taxpayers residing in the township for the public transportation project in the township.

Sec. 11. (a) The minimum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed upon the county taxpayers who reside in a township to fund a public transportation project in the township is one-tenth percent (0.1%).

(b) The maximum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed upon the county taxpayers who reside in a township to fund a public transportation project in the township is twenty-five hundredths percent (0.25%).

Sec. 12. A tax rate imposed under this chapter applies only to the county taxpayers who reside in a township in which the voters approve a local public question held under this chapter.

Sec. 13. IC 8-25-3-6 applies to a public transportation project authorized under this chapter in a township.

Sec. 14. Bonds issued with respect to a public transportation project in the township must be paid from tax revenue collected from county taxpayers who reside in the township.

Sec. 15. IC 36-9-2-2(b) and IC 36-9-2-2(c) apply to a public transportation project authorized under this chapter in a township.

Chapter 7. Public Transportation Foundation in Marion County

Sec. 1. This chapter applies to Marion County.

Sec. 2. As used in this chapter, "board" refers to the board of a public transportation corporation providing public transportation services in Marion County.

Sec. 3. The board shall establish a foundation that is organized as a nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests,

devises, and contributions to meet the requirements of IC 8-25-3-6(a).

Sec. 4. A foundation established under section 3 of this chapter:

(1) shall use money received under section 3 of this chapter to:

(A) fund in part a public transportation project authorized under this article as required by IC 8-25-3-6(a); and

(B) carry out the purposes and programs of the foundation under this chapter; and

(2) may deposit money received under section 3 of this chapter in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state or county treasury.

Sec. 5. The foundation established under section 3 of this chapter is governed by a board of directors consisting of at least seven (7) voting members appointed by the board.

Sec. 6. The members appointed under section 5 of this chapter shall be appointed for a term of three (3) years but may be removed by the board for cause.

Sec. 7. The affirmative votes of a majority of the members of the board of directors are required for the foundation to take any official action.

Sec. 8. The fiscal body of Marion County or the board, if authorized to carry out a public transportation project under IC 8-25-4, may enter into any agreement necessary with the foundation to meet the requirements of IC 8-25-3-6(a) and carry out the purposes of this chapter.

Chapter 8. Public Transportation Foundations in Eligible Counties other than Marion County

Sec. 1. This chapter applies to an eligible county other than Marion County.

Sec. 2. As used in this chapter, "board" refers to the board of commissioners of an eligible county.

Sec. 3. The board shall establish a foundation that is organized as a nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests, devises, and contributions to meet the requirements of IC 8-25-3-6(a).

Sec. 4. A foundation established under section 3 of this chapter:

(1) shall use money received under section 3 of this chapter to:

(A) fund in part a public transportation project authorized under this article as required by IC 8-25-3-6(a); and

(B) carry out the purposes and programs of the foundation under this chapter; and

(2) may deposit money received under section 3 of this chapter in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state or county treasury.

Sec. 5. The foundation established under section 3 of this chapter is governed by a board of directors consisting of at least seven (7) voting members appointed by the board.

Sec. 6. The members appointed under section 5 of this chapter shall be appointed for a term of three (3) years but may be removed by the board for cause.

Sec. 7. The affirmative votes of a majority of the members of the board of directors are required for the foundation to take any official action.

Sec. 8. The fiscal body of an eligible county, the board, or any other entity authorized to carry out a public transportation project under IC 8-25-4 in the eligible county may enter into any agreement necessary with the foundation to meet the requirements of IC 8-25-3-6(a) and carry out the purposes of this chapter.

SECTION 18. IC 12-29-2-2, AS AMENDED BY SEA 24-2014, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A county shall fund the operation of community mental health centers in the amount determined under subsection (b), unless a lower tax levy amount will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

(1) If the total population of the county is served by one (1) center.

(2) If the total population of the county is served by more than one (1) center.

(3) If the partial population of the county is served by one (1) center.

(4) If the partial population of the county is served by more than one (1) center.

(b) The amount of funding under subsection (a) for taxes first due and payable in a calendar year is the following:

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that was levied within the county to comply with this section from property taxes first due and payable in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) Except as provided in subsection (c), for 2005 and each year thereafter, the result equal to:

(A) the amount that was levied in the county to comply with this section from property taxes first due and payable in the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

(c) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a county for which:

(1) a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24; or

(2) a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30;

to provide property tax relief in the county. Notwithstanding any provision in this section or any other section of this chapter, for a county subject to this subsection, the county's maximum property tax levy under this section to fund the operation of community mental health centers for the ensuing calendar year is equal to the county's maximum property tax levy to fund the operation of community mental health centers for the current calendar year.

(d) Except as provided in subsection (h), the county shall pay to the division of mental health and addiction the part of the funding determined under subsection (b) that is appropriated solely for funding

the operations of a community health center. The funding required under this section for operations of a community health center shall be paid by the county to the division of mental health and addiction. These funds shall be used solely for satisfying the non-federal share of medical assistance payments to community mental health centers serving the county for:

(1) allowable administrative services; and

(2) community mental health rehabilitation services.

All other funding appropriated for the purposes allowed under section 1.2(b)(1) of this chapter shall be paid by the county directly to the community mental health center semiannually at the times that the payments are made under subsection (e).

(e) The county shall appropriate and disburse the funds for operations semiannually not later than December 1 and June 1 in an amount equal to the amount determined under subsection (b) and requested in writing by the division of mental health and addiction. The total funding amount paid to the division of mental health and addiction for a county for each calendar year may not exceed the amount that is calculated in subsection (b) and set forth in writing by the division of mental health and addiction for the county. Funds paid to the division of mental health and addiction by the county shall be submitted by the county in a timely manner after receiving the written request from the division of mental health and addiction, to ensure current year compliance with the community mental health rehabilitation program and any administrative requirements of the program.

(f) The division of mental health and addiction shall ensure that the non-federal share of funding received from a county under this program is applied only for matching federal funds for the designated community mental health centers to the extent a center is eligible to receive county funding under ~~IC 12-21-2-3(a)(5)(E).~~ **IC 12-21-2-3(5)(D).**

(g) The division of mental health and addiction:

(1) shall first apply state funding to a community mental health center's non-federal share of funding under this program; and

(2) may next apply county funding received under ~~IC 12-29-2-2~~ **this section** to any remaining non-federal share of funding for the community mental health center.

The division shall distribute any excess state funds that exceed the community mental health rehabilitation services non-federal share applied to a community mental health center that is entitled to the excess state funds.

(h) The health and hospital corporation of Marion County created by IC 16-22-8-6 may make payments to the division for the operation of a community mental health center as described in this chapter.

SECTION 19. IC 36-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** A unit may establish, aid, maintain, and operate transportation systems.

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

(c) If a unit fails to prepare and disclose the annual report in the manner required by subsection (b), any person subject to a tax described in IC 8-25 may initiate a cause of action in the circuit court of the eligible county to compel the appropriate officials of the unit to prepare and disclose the annual report not later than thirty (30) days after a court order mandating the unit to comply with subsection (b) is issued by the circuit court.

SECTION 20. IC 36-9-4-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 58. **(a)** An urban mass transportation system operating under this chapter is considered a common carrier not operating under a franchise or contract granted by

a municipality and not regulated by ordinance, and is subject to the authority of the department of state revenue under IC 8-2.1 to the same extent as any other common carrier. However, in determining the reasonableness of the fares and charges of such a system, the department of state revenue shall consider, among other factors, the policy of this chapter to foster and assure the development and maintenance of urban mass transportation systems, and it is not necessary that the operating revenues of the system be sufficient to cover the cost to the system of providing adequate service.

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

(c) If a public transportation corporation fails to prepare and disclose the annual report in the manner required by subsection (b), any person subject to a tax described in IC 8-25 may initiate a cause of action in the circuit court of the eligible county to compel the appropriate officials of the public transportation corporation to prepare and disclose the annual report not later than thirty (30) days after a court order mandating the public transportation corporation to comply with subsection (b) is issued by the circuit court.

P.L.154-2014
[S.179. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 16-42-5-29, AS AMENDED BY P.L.128-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) This section applies to an individual vendor of a farmer's market or roadside stand.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

~~(b)~~ **(c)** An individual vendor of a farmer's market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

(1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;

(2) is not a potentially hazardous food product;

(3) is prepared by an individual who practices proper sanitary procedures, including:

(A) proper hand washing;

(B) sanitation of the container or other packaging in which the food product is contained; and

(C) safe storage of the food product;

(4) consists of eggs meeting the requirements of IC 16-42-11;

~~(4)~~ **(5)** is not resold; and

~~(5)~~ **(6)** includes a label that contains the following information:

(A) The name and address of the producer of the food product.

(B) The common or usual name of the food product.

(C) The ingredients of the food product, in descending order by predominance by weight.

(D) The net weight and volume of the food product by standard measure or numerical count.

(E) The date on which the food product was processed.

(F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health.".

~~(c)~~ **(d)** An individual vendor who meets the requirements in subsection ~~(b)~~ **(c)** is subject to food sampling and inspection if:

(1) the state department determines that the individual vendor's food product is:

(A) misbranded under IC 16-42-2-3; or

(B) adulterated; or

(2) a consumer complaint has been received by the state department.

~~(d)~~ **(e)** If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

~~(e)~~ **(f)** For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

~~(f)~~ **(g)** The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection ~~(b).~~ **(c).** The guidelines may include:

(1) standards for best safe food handling practices;

(2) disease control measures; and

(3) standards for potable water sources.

~~(g)~~ **(h)** The department shall adopt rules that:

(1) ~~incorporate by reference 9 CFR 381.10(c) allowing poultry products slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand;~~ **exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10, as adopted by reference in 345 IAC 10-2.1-1, from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only on a farm, at a farmer's market, through delivery, or at a roadside stand;**

(2) require that poultry processed under this section **that is sold on a farm** be ~~frozen~~ **refrigerated** at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;

(3) allow rabbits to be slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand; ~~and~~

(4) require that rabbits processed under this section be frozen at the point of sale; **and**

(5) require that poultry processed under this section that is sold at a farmer's market, through delivery, or at a roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.

An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing.

(i) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer.

SECTION 2. IC 16-42-11-9.5, AS ADDED BY P.L.28-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9.5. **(a)** A farmer or bona fide egg producer who

markets directly to the consumer at a location that is not the farmer's or producer's own premises and is recognized as a farmers market may be required to have a farmers market retail permit issued by the state egg board. The state egg board shall establish requirements and procedures for obtaining a farmers market retail permit by rule under IC 4-22-2.

(b) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of a farmer or bona fide egg producer acting under this section.

P.L.155-2014
[S.207. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-46-1-8, AS AMENDED BY P.L.198-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for either of the following purposes:

(1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.

(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(b) The governing body of the school corporation shall certify a copy of the resolution, **including the proposed public question language required by section 10 of this chapter,** to the **following:**

(1) The department of local government finance. ~~including (in the case of a resolution certified to the department of local government finance after April 30, 2011) the language for the question required by section 10 of this chapter. In the case of a resolution certified to the department of local government finance after April 30, 2011, the department shall review the language for compliance with section 10 of this chapter and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval, to:~~

~~(1)~~ **(2)** The county fiscal body **of each county in which the school corporation is located** (for informational purposes only). ~~and~~

~~(2)~~ **(3)** The circuit court clerk of each county in which the school corporation is located.

(c) If the certification under subsection (b) is made not later than the applicable time set forth in IC 3-10-9-3:

(1) the certification required by IC 3-10-9-3 is considered to have been made; and

(2) the referendum shall be held at the next primary, municipal primary, municipal, or general election, as applicable under IC 3-10-9-3.

SECTION 2. IC 20-46-1-10, AS AMENDED BY P.L.113-2010, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents ($0.__) (insert amount) on each one hundred dollars ($100) of assessed valuation and that is in addition to all other property ~~tax levies~~ **taxes** imposed by the

school corporation **for the purpose of funding _____ (insert short description of purposes)?".**

SECTION 3. IC 20-46-1-13, AS AMENDED BY P.L.198-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a)** Each circuit court clerk shall, upon receiving the question certified by the governing body of a school corporation under this chapter, call a meeting of the county election board to make arrangements for the referendum.

(b) The county election board shall review the proposed public question language.

(c) If the county election board determines that the proposed public question language fairly describes the referendum tax levy, the county election board shall approve the proposed language.

(d) If the county election board determines that the proposed public question language does not fairly describe the referendum tax levy, the county election board shall revise the public question language.

(e) If the county election board revises the public question language under subsection (d), the governing body of the school corporation may request the Indiana election commission to review the county election board's revision. If the governing body of the school corporation requests a review under this subsection, the Indiana election commission shall do one (1) of the following:

(1) Approve the public question language originally proposed by the governing body.

(2) Approve the public question language as revised by the county election board.

(3) Prescribe the public question language to be used for the referendum.

In determining what the public question language should be, the Indiana election commission shall determine what language most fairly describes the referendum tax levy.

(f) If the Indiana election commission does not make a determination under subsection (e) before:

(1) sixty (60) days before a primary election, if the question is to be placed on the primary or municipal primary election ballot; or

(2) August 1, if the question is to be placed on the general or municipal election ballot;

the determination of the county election board is considered approved.

(g) The public question language as determined under subsection (c), (d), (e), or (f), whichever is applicable, is the public question language that must be used for the referendum.

SECTION 4. IC 20-46-1-14, AS AMENDED BY P.L.113-2010, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification ~~of the question~~ under ~~IC 3-10-9-3. The certification of the question must occur not later than noon:~~

~~(1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or (2) August 1 if the question is to be placed on the general or municipal election ballot.~~

~~However,~~ **section 8 of this chapter.**

(b) If a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than ~~noon sixty (60) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November).~~ **the applicable time set forth in IC 3-10-9-3.** ~~(b)~~ If the referendum is ~~not~~ conducted at a ~~primary election, general election, or municipal election,~~ **special election,** the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

SECTION 5. IC 20-46-1-19, AS AMENDED BY P.L.146-2008, SECTION 503, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. If a majority of the persons

who voted in the referendum did not vote "yes" on the referendum question:

(1) the school corporation may not make any levy for its referendum tax levy fund; and

(2) another referendum under this section may not be held ~~for one (1) year~~ **earlier than three hundred fifty (350) days** after the date of the referendum.

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

P.L.156-2014
[S.227. Approved March 26, 2014.]

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

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

SECTION 1. IC 2-5-36-9, AS ADDED BY P.L.119-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The commission shall do the following:

(1) Study and evaluate the following:

(A) Access to services for vulnerable youth.

(B) Availability of services for vulnerable youth.

(C) Duplication of services for vulnerable youth.

(D) Funding of services available for vulnerable youth.

(E) Barriers to service for vulnerable youth.

(F) Communication and cooperation by agencies concerning vulnerable youth.

(G) Implementation of programs or laws concerning vulnerable youth.

(H) The consolidation of existing entities that serve vulnerable youth.

(I) Data from state agencies relevant to evaluating progress, targeting efforts, and demonstrating outcomes.

(J) Crimes of sexual violence against children.

(K) The impact of social networking web sites, cellular telephones and wireless communications devices, digital media, and new technology on crimes against children.

(2) Review and make recommendations concerning pending legislation.

(3) Promote information sharing concerning vulnerable youth across the state.

(4) Promote best practices, policies, and programs.

(5) Cooperate with:

(A) other child focused commissions;

(B) the judicial branch of government;

(C) the executive branch of government;

(D) stakeholders; and

(E) members of the community.

(6) Submit a report not later than July 1 of each year regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 2. IC 7.1-5-1-6.5, AS ADDED BY P.L.93-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) A law enforcement officer may not take a person into custody based solely on the commission of an offense involving alcohol described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(1) The law enforcement officer has contact with the person because the person:

(A) either:

~~(A)~~ **(i)** requested emergency medical assistance; or

~~(B)~~ **(ii)** acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance; ~~due to alcohol consumption.~~

(B) is the victim of a reported sex offense (as defined in IC 11-8-8-5.2); or

(C) witnessed and reported what the person reasonably believed to be a crime.

(2) The person described in subdivision (1)(A), ~~or~~ (1)(B), **or (1)(C):**

(A) provided:

(i) the person's full name; and

(ii) any other relevant information requested by the law enforcement officer; **and**

(B) in the case of a person described in subdivision (1)(A):

~~(B)~~ **(i)** remained at the scene with the individual who reasonably appeared to be in need of medical assistance ~~due to alcohol consumption~~ until emergency medical assistance arrived; and

~~(C)~~ **(ii)** cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

(b) A person who meets the criteria of subsection (a)(1) and (a)(2) is immune from criminal prosecution for an offense under:

(1) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;

(2) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; and

(3) IC 7.1-5-7-7.

(c) A person may not initiate or maintain an action against a law enforcement officer based on the officer's compliance or failure to comply with this section.

SECTION 3. IC 7.1-5-1-6.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.6. (a) This section applies only to a person:**

(1) arrested for a violation of:

(A) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;

(B) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; or

(C) IC 7.1-5-7-7; and

(2) whose arrest was facilitated because another person reported that the person appeared to be in need of medical assistance due to the use of alcohol.

(b) If a person described in subsection (a):

(1) does not have a prior conviction for an offense described in subsection (a);

(2) pleads guilty to an offense described in subsection (a); and

(3) agrees to be placed in the custody of the court;

the court, without entering a judgment of conviction, shall defer further proceedings and place the person in the custody of the court under conditions determined by the court.

(c) If the person placed in the custody of the court violates the conditions of custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person.

(d) There may be only one (1) dismissal under this section with respect to a person.

SECTION 4. IC 16-18-2-88.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 88.5. "Crime of domestic or sexual violence" means a sex offense (as defined in IC 11-8-8-5.2) or a crime of domestic violence (as defined in IC 35-31.5-2-78). The term includes a delinquent act that would be a sex offense or a crime of domestic violence if committed by an adult.**

SECTION 5. IC 16-18-2-263.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 263.9. "Overdose intervention drug", for purposes of IC 16-31, means naloxone or any other drug that:**

(1) is an opioid, opiate, or morphine antagonist; and

(2) prevents or reverses the effects of:

(A) opioids;

(B) opiates; or

(C) morphine;

including respiratory depression, sedation, and hypotension.

SECTION 6. IC 16-19-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2014]: **Sec. 7. (a) Before July 1, 2015, the office or the state department shall conduct a study to do the following:**

(1) Determine the extent to which crimes of domestic or sexual violence are underreported.

(2) Identify which crimes of domestic or sexual violence are more commonly underreported.

(3) Investigate differences between the reporting of crimes of domestic or sexual violence committed:

(A) against children;

(B) against adults;

(C) in urban areas;

(D) in suburban areas; and

(E) in rural areas.

(4) Investigate and identify reasons why the victims of unreported crimes of domestic or sexual violence do not report these crimes, both in general and with reference to specific crimes.

(5) Study and evaluate methods for improving the reporting of underreported crimes of domestic or sexual violence.

(6) Study and evaluate resources available to educate potential victims of crimes of domestic or sexual violence.

(7) Evaluate best practices to connect victims of crimes of domestic or sexual violence with appropriate therapeutic and other resources.

(8) Make recommendations concerning best practices to:

(A) improve the reporting of underreported crimes of domestic or sexual violence;

(B) provide resources for persons who are the victims of crimes of domestic or sexual violence; and

(C) make educational, therapeutic, and other resources available to victims of crimes of domestic or sexual violence who may have not reported the crimes.

(b) The study described in subsection (a) must include the following:

(1) The use of GIS (as defined in IC 25-21.5-1-3.5) mapping to detect patterns of reported and unreported crimes of domestic or sexual violence, and follow-up investigations to study areas with high and low reporting rates.

(2) At least two (2) separate surveys to quantify underreporting.

(3) One (1) of the surveys described in subdivision (2) must:

(A) be conducted by professionals who have expertise in analyzing communication and understanding the social norms and cultural pressures that affect whether the victim of a crime of domestic or sexual violence reports the crime or not; and

(B) in order to capture unreported crimes of domestic or sexual violence, focus on surveying individuals (including teachers, coaches, pastors, and other mentors) who may know of unreported crimes of domestic or sexual violence, with the purpose of studying the perspective that these individuals have concerning the reasons the victims did not report the crimes. These surveys shall be conducted anonymously, and, to the extent that the person interviewed had a duty to report the crime and did not report the crime, the survey must determine what factors made the person reluctant to report the crime.

(4) The second survey described in subdivision (2) must be modeled on studies conducted by the national Centers for Disease Control and Prevention's Academic Centers of Excellence and involve a survey of persons who were the victims of a crime of domestic or sexual violence when they were younger, but who did not report the crime until they were older. The purpose of this survey is to obtain the victim's insight into the reason the victim did not report the crime of domestic or sexual violence.

(5) After evaluating the surveys described in subdivision (2), researchers performing the study must conduct in depth interviews with individuals and focus groups. The interviews and focus groups must be conducted in different geographical areas of the state, and contain a mix of urban, suburban, and rural areas. Persons interviewed must include:

(A) groups or individuals who have reported crimes of domestic or sexual violence;

(B) groups or individuals who have not reported crimes of domestic or sexual violence; and

(C) teachers and other persons who have insight into students' lives and have perspective into the cultural dynamics that give rise to the problem of crimes of domestic or sexual violence as well as the reasons a person may have for not reporting the crime.

The professionals who conduct these interviews must have diverse backgrounds and must be skilled at eliciting subtle information from the persons they interview.

(6) At the conclusion of the interviews described in subdivision (5), the information from the surveys and interviews shall be evaluated and assembled by a data analysis group that shall draw conclusions and make appropriate recommendations.

(c) The office or state department may contract with a third party to conduct the study described in this section.

(d) Information contained in a study described in this section that identifies or could be used to determine the identity of a child or adult participating in the study is confidential. All other information contained in the study is not confidential and is available for inspection and copying under IC 5-14-3.

(e) The office or state department shall provide a copy of the study to the legislative council in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2016.

SECTION 7. IC 16-31-2-9, AS AMENDED BY P.L.77-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

(2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

(3) Training and certification standards for the administration of epinephrine through an auto-injector by an emergency medical technician.

(4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure

to nerve agents by an emergency medical technician or an emergency medical responder.

(5) Standards for distribution, administration, use, and training in the use of an overdose intervention drug.

SECTION 8. IC 16-31-3-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23.5. (a) The following may administer an overdose intervention drug to an individual who is suffering from an overdose:**

(1) An advanced emergency medical technician.

(2) An emergency medical responder.

(3) An emergency medical technician.

(4) A firefighter or volunteer firefighter.

(5) A law enforcement officer.

(6) A paramedic.

(b) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, or protocol for an overdose intervention drug for any of the following:

(1) An advanced emergency medical technician.

(2) An emergency medical responder.

(3) An emergency medical technician.

(4) A fire department or volunteer fire department.

(5) A law enforcement agency.

(6) A paramedic.

(c) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, or protocol for an overdose intervention drug issued in the name of any of the following:

(1) An advanced emergency medical technician.

(2) An emergency medical responder.

(3) An emergency medical technician.

(4) A fire department or volunteer fire department.

(5) A law enforcement agency.

(6) A paramedic.

SECTION 9. IC 16-31-6-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) Except for an act of gross negligence or willful misconduct, an advanced emergency medical**

technician, an emergency medical responder, an emergency medical technician, a firefighter or volunteer firefighter, a law enforcement officer, or a paramedic who administers an overdose intervention drug according to standards established by:

(1) the department or agency that oversees the individual's employment in providing emergency medical services; or

(2) the commission under IC 16-31-2-9;

to an individual suffering from an overdose is immune from civil liability for acts or omissions when administering the drug.

(b) If:

(1) an advanced emergency medical technician;

(2) an emergency medical responder;

(3) an emergency medical technician;

(4) a firefighter or volunteer firefighter;

(5) a law enforcement officer; or

(6) a paramedic;

is immune from civil liability for the individual's act or omission, a person who has only an agency relationship with the advanced emergency medical technician, emergency medical responder, emergency medical technician, firefighter or volunteer firefighter, law enforcement officer, or paramedic is also immune from civil liability for the act or omission.

SECTION 10. IC 34-31-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. IC 16-31-6-2.5 (Concerning certain persons who administer an overdose intervention drug).**

SECTION 11. IC 35-38-1-7.1, AS AMENDED BY P.L.126-2012, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

(A) significant; and

(B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

(A) committed a crime of violence (IC 35-50-1-2); and

(B) knowingly committed the offense in the presence or within hearing of an individual who:

(i) was less than eighteen (18) years of age at the time the person committed the offense; and

(ii) is not the victim of the offense.

(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was:

(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or

(B) mentally or physically infirm.

(8) The person was in a position having care, custody, or control of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:

(A) requested emergency medical assistance; or

(B) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana;
regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

SECTION 12. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to the appropriate study committee the task of studying the causes of violence and violent crime in Indiana.**

(b) If an appropriate study committee is assigned the topic described in subsection (a), the committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6, not later than November 1, 2014.

(c) This SECTION expires January 1, 2015.

SECTION 13. **An emergency is declared for this act.**

P.L.157-2014
[S.229. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 34-28-7-2, AS AMENDED BY P.L.114-2012, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

(1) prohibits; or

(2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's

locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

~~(1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2~~**;**

~~(2)~~ **(1)** on the property of:

(A) a child caring institution;

(B) an emergency shelter care child caring institution;

(C) a private secure facility;

(D) a group home;

(E) an emergency shelter care group home; or

(F) a child care center;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;

~~(3)~~ **(2)** on the property of a penal facility (as defined in IC 35-31.5-2-232);

~~(4)~~ **(3)** in violation of federal law;

~~(5)~~ **(4)** in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));

~~(6)~~ **(5)** on the property of a domestic violence shelter;

~~(7)~~ **(6)** at ~~a person's~~ **the employer's** residence;

~~(8)~~ **(7)** on the property of a person that is:

(A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and

(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;

~~(9)~~ **(8)** on property owned by:

(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or

(B) a department of public utilities created under IC 8-1-11.1; or

~~(10)~~ **(9)** in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:

(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and

(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 2. IC 35-47-3-2, AS AMENDED BY P.L.119-2012, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

(1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or

(2) to the city or town police force that confiscated the firearm. ~~if:~~

~~(A) a member of the city or town police force confiscated the firearm; and~~

~~(B) the city or town has a population of more than two thousand five hundred (2,500) and less than six hundred thousand (600,000).~~

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures:

(1) Public sale of the firearms to the general public as follows:

(A) Notice of the sale shall be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.

(B) Disposition of the firearm shall be by public auction in a place convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.

(C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article.

(D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

(i) deposited into the receiving law enforcement agency's firearms training fund, ~~if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency~~ **other appropriate training activities fund, or any other fund that may be used by the receiving law enforcement agency for the purchase and maintenance of firearms, ammunition, vests, and other law enforcement equipment;** and

(ii) used by the agency exclusively ~~for the purpose of training~~ **to train** law enforcement officers in the proper use of firearms or other law enforcement duties, **and to purchase and maintain firearms, ammunition, vests, and other law enforcement equipment.** ~~if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency.~~

A law enforcement agency may not sell a firearm to the general public if the firearm is unsafe to operate because it has been damaged or altered.

(2) Sale of the firearms to a licensed firearms dealer as follows:

(A) Notice of the sale must be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.

(B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer.

(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:

(i) deposited into the receiving law enforcement agency's firearms training fund, ~~or~~ other appropriate training activities fund, **or any other fund that may be used by the receiving law enforcement agency for the purchase and maintenance of firearms, ammunition, vests, and other law enforcement equipment;** and

(ii) used by the agency exclusively ~~for the purpose of training~~ **to train** law enforcement officers in the proper use of firearms or other law enforcement duties, **and to purchase and maintain firearms, ammunition, vests, and other law enforcement equipment.**

A law enforcement agency may sell a firearm to a licensed firearms dealer for salvage or repair, even if the firearm is unsafe to operate because it has been damaged or altered.

(3) Sale or transfer of the firearms to another law enforcement agency.

(4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(5) Destruction of the firearms. **A firearm that is to be destroyed may be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, or recycling, or for resale as parts for other firearms.**

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty (120) days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm in the sale lot. **In addition, the receiving law enforcement agency may, at its discretion, jointly sell firearms it has received with another law enforcement agency, or permit another law enforcement agency to sell firearms it has received on behalf of the receiving law enforcement agency.** In any event, all confiscated firearms shall be disposed of as promptly as possible.

(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question, the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c).

SECTION 3. IC 35-47-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.5. Firearm Buyback Programs Prohibited

Sec. 1. This chapter applies to a unit (as defined in IC 36-1-2-23), including a law enforcement agency of a unit.

Sec. 2. As used in this chapter, "firearm buyback program" means a program to purchase privately owned firearms from individual firearm owners for the purpose of:

(1) reducing the number of firearms owned by civilians; or

(2) permitting civilians to sell a firearm to the government without fear of prosecution.

The term does not include the purchase of firearms from a licensed firearms dealer or a program to purchase firearms for law enforcement purposes.

Sec. 3. A unit, including a law enforcement agency of a unit, may not conduct a firearm buyback program unless the firearm buyback program is financed or funded with private funds or grants, and not public funds.

Sec. 4. (a) A unit having possession of a firearm obtained from a firearm buyback program shall transfer the firearm to a law enforcement agency of the unit.

(b) A law enforcement agency of a unit that has possession of a firearm obtained under subsection (a), or otherwise as the result of a firearm buyback program, shall dispose of the firearm in accordance with IC 35-47-3.

SECTION 4. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) **Except as provided in subsection (b) or (c),** a person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle. ~~that is being operated by the person to transport another person to or from a school or a school function.~~

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) Except as provided in subsection (b) or (c), a person who:

(A) may legally possess a firearm; and

(B) possesses only a firearm that is:

(i) locked in the trunk of the person's motor vehicle;

(ii) kept in the glove compartment of the person's locked motor vehicle; or

(iii) stored out of plain sight in the person's locked motor vehicle.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:

(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or

(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c).** A person who *knowingly or intentionally* possesses a firearm:

(1) in or on school property; *or*

~~*(2) in or on property that is being used by a school for a school function; or*~~

~~*(3)*~~ *(2)* on a school bus;

commits a ~~*Class D*~~ *Level 6* felony.

(b) It is a defense to a prosecution under subsection (a) that:

(1) the person is permitted to legally possess the firearm; and

(2) the firearm is:

(A) locked in the trunk of the person's motor vehicle;

(B) kept in the glove compartment of the person's locked motor vehicle; or

(C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in

plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

SECTION 6. IC 35-47-14-9, AS ADDED BY P.L.1-2006, SECTION 537, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. If at least five (5) years have passed since a court conducted the first hearing to retain a firearm under this chapter, the court, after giving notice to the parties and conducting a hearing, may order the law enforcement agency having custody of the firearm to ~~destroy or otherwise permanently~~ dispose of the firearm **in accordance with IC 35-47-3.**

SECTION 7. IC 35-47-14-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10. (a) If a court has ordered a law enforcement agency to retain an individual's firearm under section 6 of this chapter, the individual may request the court to order the law enforcement agency to sell the firearm at auction under IC 35-47-3-2 and return the proceeds to the individual.**

(b) An individual may make the request described in subsection (a):

(1) at the retention hearing described in section 9 of this chapter; or

(2) at any time before the retention hearing described in section 9 of this chapter is held.

(c) If an individual timely requests a sale of a firearm under subsection (a), the court shall order the law enforcement agency having custody of the firearm to sell the firearm at auction under IC 35-47-3-2, unless the serial number of the firearm has been obliterated.

(d) If the court issues an order under subsection (c), the court's order must require:

(1) that the firearm be sold not more than one (1) year after receipt of the order; and

(2) that the proceeds of the sale be returned to the individual who owns the firearm. However, the law enforcement agency may retain not more than eight percent (8%) of the sale price to pay the costs of the sale, including administrative costs and the auctioneer's fee.

P.L.158-2014
[S.235. Approved March 26, 2014.]

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

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

SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter ~~may include the following:~~

~~(1) Residential or work release programs.~~

~~(2) House arrest, home detention, and electronic monitoring programs.~~

~~(3) Community restitution or service programs.~~

~~(4) Victim-offender reconciliation programs.~~

~~(5) Jail services programs.~~

~~(6) Jail work crews.~~

~~(7) Community work crews.~~

~~(8) Juvenile detention alternative programs.~~

~~(9) Day reporting programs.~~

~~(10) Faith based programs.~~

~~(11) Other community corrections programs approved by the department.~~

shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the community corrections programs.

(b) The community corrections board may also coordinate ~~and~~ **or** operate:

(1) educational;

(2) mental health;

(3) drug or alcohol abuse counseling; **and**

(4) housing;

~~as a part of any of these programs or~~ **programs. In addition, the board may provide** supervision services for persons described in section 2 of this chapter.

SECTION 2. IC 11-12-3.8, AS ADDED BY HEA 1268-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.8. Mental Health and Addiction Forensic Treatment Services

Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. The term includes:

(1) mental health and substance abuse treatment;
(2) vocational services;
(3) housing assistance;
(4) community support services;
(5) care coordination; and
(6) transportation assistance.

Sec. 2. An individual is eligible for mental health and addiction forensic treatment services if the individual:

(1) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;
(2) is a resident of Indiana;
(3) is at least eighteen (18) years of age; and
(4) has entered the criminal justice system as a felon or with a prior felony conviction.

Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.

Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental

health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter.

(c) The account consists of:

(1) appropriations made by the general assembly;

(2) grants; and

(3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(c) Mental health and addiction forensic treatment services may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:

(1) mental health and ~~addiction~~ **substance abuse** treatment;

(2) vocational services;

(3) housing assistance;

(4) community support services;

(5) care coordination; and

(6) transportation assistance.

(d) Mental health and addiction forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or ~~addiction~~ **substance abuse** treatment.

(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017.

Sec. 6. (a) The Marion superior court may, in consultation with the department of correction, establish a three (3) year pilot project to provide mental health and addiction forensic treatment services to reduce the risk of recidivism among persons whose participation in the program is an alternative to commitment to the department of correction.

(b) Except as provided in subsection (c), the pilot project must provide evidence based services for persons participating in the following programs:

(1) A diversion program.

(2) An alternate misdemeanor sentencing program.

(3) Probation, if the person is placed on probation as an alternative to being committed to the department of correction.

(4) Community corrections, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.

(5) Home detention, if the person is placed in home detention as an alternative to being committed to the department of correction.

(6) Any other program involving community supervision as an alternative to commitment to the department of correction, if the program is approved by the court and the department of correction.

(c) The following persons may not participate in the pilot project:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of a felony described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(d) Mental health and addiction forensic treatment services provided as part of the pilot project may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

(e) The Marion superior court shall, if a pilot project is established under this section, provide a report to the legislative council before October 1 of each year, beginning on October 1, 2015. The report must include the following data:

(1) Recidivism rates for persons in the program.

(2) The cost of the program.

(3) Cost savings of the program.

(4) Opportunities for replication.

(5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2017.

SECTION 3. IC 11-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference upon approval of the state budget committee **to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.**

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent (3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money appropriated to the judicial conference of Indiana for the purpose of making grants under this chapter does not revert to the state general fund at the close of any fiscal year, but remains available to the judicial conference of Indiana for its use in making grants under this chapter.

SECTION 4. IC 11-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated

under this program may be made available to any court administering probation in order to finance expenditures incurred for ~~either~~ **any** of the following purposes:

(1) Salaries for existing or new probation officer positions.

(2) Maintenance or establishment of administrative support services to probation officers.

(3) Development and implementation of:

(A) incentives and sanctions;

(B) policies;

(C) programs; and

(D) services;

to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.

(4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.

(5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.

SECTION 5. IC 11-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial aid for support of probation services may be made only to courts meeting the minimum standards adopted by the judicial conference of Indiana and may not exceed fifty percent (50%) of the cost of the positions or services being financed.~~ Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the **judicial** conference **of Indiana** for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.

(b) **The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid.** ~~The conference may recommend changes or modifications necessary to effect compliance with the minimum standards.~~ The **judicial** conference and the state budget committee must approve all financial aid granted under this chapter. ~~Any court receiving financial assistance under this chapter may be declared~~

~~ineligible to receive that assistance if the court fails to maintain the minimum standards.~~

(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.

(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(f) Mental health and substance abuse treatment services provided by financial assistance under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

SECTION 6. IC 12-14-29-2, AS ADDED BY HEA 1268-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for food stamps if the individual meets all the following requirements:

(1) The individual is a resident of: ~~a county:~~

(A) **a county** having a reentry court program; ~~or~~

(B) **a county** that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; **or**

(C) Marion County.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana food stamp program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6.

SECTION 7. IC 12-14-29-3, AS ADDED BY HEA 1268-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of: ~~a county:~~

(A) **a county** having a reentry court program; ~~or~~

(B) **a county** that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; **or**

(C) Marion County.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and

addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6.

SECTION 8. IC 12-14-29-4, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in:

(1) a reentry court program;

(2) a program that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; or

(3) the Marion County superior court pilot project described in IC 11-12-3.8-6.

SECTION 9. IC 12-14-29-6, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A court may modify or revoke an order issued under this chapter concerning a ~~food stamp~~ **federal Supplemental Nutrition Assistance Program** eligible individual or a TANF eligible individual at any time.

SECTION 10. IC 12-14-29-7, AS ADDED BY HEA 1268-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program; or

(2) when an individual has been terminated from:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and

addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6;

during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program.

P.L.159-2014
[S.236. Approved March 26, 2014.]

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

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

SECTION 1. IC 7.1-1-2-2, AS AMENDED BY P.L.141-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Except as provided in IC 7.1-5-1-3, ~~and~~ IC 7.1-5-1-6, **IC 7.1-5-7, and IC 7.1-5-8,** this title applies to the following:

(1) The commercial manufacturing, bottling, selling, bartering, importing, transporting, delivering, furnishing, or possessing of alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt or wort.

(2) The sale, possession, use, and distribution of tobacco products.

SECTION 2. IC 7.1-2-3-27 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 27. Duty to Report Illegal Influence. It is the duty of an officer or employee of the state or of one (1) of its political subdivisions or municipal corporations solicited in violation of the provisions of IC 1971, 7.1-5-5-1, to report that fact to the commission.~~

SECTION 3. IC 7.1-3-23-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18. Revocation for Illegal Influence. The commission~~

~~shall deny the application, or revoke the permit, of an applicant or permittee who violates the provisions of IC 1971, 7.1-5-5-1.~~

SECTION 4. IC 7.1-3-26-5, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** A person located within Indiana or outside Indiana that wants to sell and ship wine directly to a consumer must be the holder of a direct wine seller's permit and comply with this chapter. **A person that sells and ships wine directly to a consumer without holding a valid direct wine seller's permit commits a Class A infraction.**

(b) The offense described in subsection (a) is:

(1) a Class A misdemeanor if the seller:

(A) knowingly or intentionally violates this section; and

(B) has one (1) prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and

(2) a Level 6 felony if the seller:

(A) knowingly or intentionally violates this section; and

(B) has at least two (2) prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

SECTION 5. IC 7.1-3-26-6, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** A seller may sell and ship wine directly only to a consumer who meets all of the following requirements:

(1) The consumer is at least twenty-one (21) years of age.

(2) The consumer has an Indiana address.

(3) The consumer intends to use wine purchased under this chapter for personal use only and not for resale or other commercial purposes.

(4) Except as provided in subdivision (5), the consumer has provided to the seller in one (1) initial face-to-face transaction at the seller's place of business appearing on the seller's application

for a direct wine seller's permit or any locations authorized by IC 7.1-3-12-5 all the following:

(A) Name, telephone number, Indiana address, or consumer's Indiana business address.

(B) Proof of age by a state issued driver's license or state issued identification card showing the consumer to be at least twenty-one (21) years of age.

(C) A verified statement, made under penalties for perjury, that the consumer satisfies the requirements of subdivisions (1) through (3).

(5) If:

(A) before April 1, 2006, the consumer has engaged in a transaction with a seller in which the seller sold wine to the consumer and, after April 1, 2006, but before December 31, 2006, the consumer provides the seller with a verified statement, made under penalties for perjury, that the consumer is at least twenty-one (21) years of age; and

(B) the seller provides the name and Indiana address of the consumer to the commission before January 15, 2007;

the seller may sell directly to the consumer in accordance with this chapter.

(b) A seller who violates this section commits a Class A infraction. However, the offense is:

(1) a Class A misdemeanor if the seller:

(A) knowingly or intentionally violates subsection (a)(1) through (a)(4); and

(B) has one (1) prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and

(2) a Level 6 felony if the seller:

(A) knowingly or intentionally violates subsection (a)(1) through (a)(4); and

(B) has at least two (2) prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than ten (10) years

before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

(c) It is a defense to an action or prosecution under this section that the seller obtained from the consumer the verified statement required under subsection (a)(4) or (a)(5).

SECTION 6. IC 7.1-3-26-10, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~It is unlawful for the~~ **(a) Except as provided in subsection (b), the** holder of a farm winery brandy distiller's permit ~~to ship or cause to be shipped~~ **that ships** brandy produced under this title to a consumer **commits a Class A infraction.**

(b) The offense described in subsection (a) is:

(1) a Class A misdemeanor if the seller:

(A) knowingly or intentionally violates this section; and

(B) has one (1) prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and

(2) a Level 6 felony if the seller:

(A) knowingly or intentionally violates this section; and

(B) has at least two (2) prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

SECTION 7. IC 7.1-3-26-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 15. (a) Except as provided in subsections (b) and (c), a seller who violates this chapter commits a Class A infraction.~~

~~(b) Except as provided in subsection (d), a seller who:~~

~~(1) knowingly or intentionally violates this chapter; and~~

~~(2) has one (1) prior unrelated conviction or judgment for an infraction under this section for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;~~ ~~commits a Class A misdemeanor.~~

~~(c) Except as provided in subsection (d), a seller who:~~

~~(1) knowingly or intentionally violates this chapter; and~~

~~(2) has at least two (2) prior unrelated convictions or judgments for infractions under this section for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;~~

~~commits a Level 6 felony.~~

~~(d) A person who violates section 6(5) of this chapter commits a Class A infraction. The commission may consider an infraction committed under this subsection in its determination of whether to renew a seller's permit.~~

SECTION 8. IC 7.1-3-26-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16. If a direct wine seller is charged under section 15 of this chapter with selling to a consumer who does not meet the requirements of section 6 of this chapter, it is a defense to the charge if the direct wine seller obtained from the consumer the verified statement required under section 6(4)(C) or 6(5)(A) of this chapter and produces a copy of the verified statement.~~

SECTION 9. IC 7.1-3-27-3, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** An artisan distiller may produce not more than ten thousand (10,000) gallons of liquor in any calendar year. Liquor produced by an artisan distiller that is sold through a wholesaler licensed under IC 7.1-3-8 may not be counted toward the gallonage limit.

(b) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 10. IC 7.1-3-27-8, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The holder of an artisan distiller's permit may do only the following:

(1) Manufacture liquor, including blending liquor purchased from another manufacturer with liquor the artisan distiller manufactures under section 11 of this chapter.

(2) Bottle liquor manufactured by the artisan distiller.

(3) Store liquor manufactured by the artisan distiller.

(4) Transport, sell, and deliver liquor manufactured by the artisan distiller to:

(A) places outside Indiana; or

(B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

(5) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, or case from the premises of the distillery where the liquor was manufactured.

(6) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 11. IC 7.1-3-27-9, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a)** An artisan distiller may not sell liquor to a retailer or dealer.

(b) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 12. IC 7.1-3-27-10, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a)** An artisan distiller may not ship liquor or cause liquor to be shipped to a consumer.

(b) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 13. IC 7.1-3-27-11, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. **(a)** An artisan distiller may blend liquor that the artisan distiller obtains from another manufacturer with liquor that the artisan distiller manufactures. The artisan distiller may sell the blended liquor as liquor that the artisan distiller manufactures only if the final product contains at least sixty percent (60%) of liquor that was fermented and distilled from raw materials by the artisan distiller at the licensed premises of the artisan distiller.

(b) An artisan distiller who knowingly or intentionally sells blended liquor that contains less than sixty percent (60%) of liquor that was fermented and distilled from raw materials by the artisan distiller at the licensed premises of the artisan distiller commits a Class B misdemeanor.

SECTION 14. IC 7.1-3-27-12, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section applies only to a person who:

(1) holds an artisan distiller's permit; and

(2) holds an interest in a farm winery permit under IC 7.1-3-12.

(b) An artisan distiller may:

(1) serve samples of liquor that the artisan distiller manufactures; and

(2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the wine is manufactured only if the wine is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 15. IC 7.1-3-27-13, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section applies only to a person who:

(1) holds an artisan distiller's permit; and

(2) holds an interest in a brewer's permit for a brewery described in IC 7.1-3-2-7(5).

(b) An artisan distiller may:

(1) serve samples of liquor that the artisan distiller manufactures; and

(2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the beer is manufactured only if the beer is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 16. IC 7.1-3-27-14, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section applies only to the holder of an artisan distiller's permit that also holds an interest in a distiller's permit under IC 7.1-3-7.

(b) An artisan distiller may not:

(1) serve complimentary samples of liquor; and

(2) sell liquor;

manufactured under the distiller's permit issued under IC 7.1-3-7 on the premises of the artisan distillery or at any other location that the holder of the artisan distiller's permit is authorized to sell and serve samples of liquor manufactured under the artisan distiller's permit.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 17. IC 7.1-3-27-15, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) An artisan distiller's permit shall be issued for a period of two (2) years.

(b) The commission shall charge a permit fee of two hundred fifty dollars ($250) annually to the holder of an artisan distiller's permit. The holder of an artisan distiller's permit shall pay the permit fee to the chairman on the anniversary of the date of the issuance of the original permit.

(c) A person who knowingly or intentionally engages in an activity requiring an artisan distiller's permit without possessing a valid artisan distiller's permit commits a Class B misdemeanor.

SECTION 18. IC 7.1-5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** ~~Prohibition Against Commercial Purposes.~~ It is unlawful for a person to manufacture for sale, bottle, sell, barter, import, transport, deliver, furnish, or possess, alcohol or alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, for commercial purposes except as authorized in this title.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 19. IC 7.1-5-1-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. General Penalty Provision. A person who violates a provision of this title for which no other penalty is provided commits a Class B misdemeanor.~~

SECTION 20. IC 7.1-5-1-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. A person who knowingly violates IC 7.1-5-4-3, IC 7.1-5-4-6, or IC 7.1-5-6-4 commits a Level 6 felony.~~

SECTION 21. IC 7.1-5-1-9.5, AS AMENDED BY P.L.109-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 126, IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9.5. (a) An in state~~

~~or an out of state vintner, *artisan distiller,* distiller, brewer, rectifier, or importer that:~~

~~(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and~~

~~(2) knowingly violates IC 7.1-5-11-1.5;~~

~~commits a Class A misdemeanor.~~

~~(b) A person who:~~

~~(1) is not described in subsection (a); and~~

~~(2) knowingly violates IC 7.1-5-11-1.5;~~

~~commits a *Class D Level 6* felony.~~

~~(c) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, *an artisan distiller, a* distiller, *a* brewer, *a* rectifier, or *an* importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:~~

~~(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and~~

~~(2) request the federal bureau to take appropriate action.~~

SECTION 22. IC 7.1-5-2-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. It is unlawful for a person to advertise the proof or the amount or percentage of alcohol in beer or wine. It is lawful for a person to advertise the proof or the amount or percentage of alcohol in liquor.~~

SECTION 23. IC 7.1-5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Signs Regulated.~~ **(a)** It is unlawful for the holder of a retailer's or dealer's permit of any type to display, keep, have, or maintain, a sign, advertisement, poster or design, obstruction to view, device or equipment contrary to the provisions of this title, or to a rule or regulation of the commission, in, about, or in connection with ~~his~~ **the** business authorized by ~~his~~ **the holder's** permit.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 24. IC 7.1-5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Gift of Outside Sign Prohibited.~~ **(a)** It is unlawful for a manufacturer of alcoholic beverages

or other permittee authorized to sell and deliver alcoholic beverages to give, supply, furnish, or grant to the holder of a retailer's or dealer's permit a sign, poster, or advertisement for use, or intended to be used, outside of or on the exterior of the licensed premises or on a building situated on the licensed premises or in connection with them, or on premises adjacent to the licensed premises.

(b) It is unlawful ~~also,~~ for a retail or dealer permittee to receive or accept, or to display or permit to be displayed, a sign, poster, or advertisement given in violation of ~~this section.~~ **subsection (a).**

(c) A person who violates subsection (a) or (b) commits a Class C infraction. A person commits a separate violation for each day during which a violation of subsection (a) or (b) continues.

SECTION 25. IC 7.1-5-2-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. A person who violates section 4 of this chapter commits a Class C infraction. Each day during which a violation of that section continues is a separate infraction.~~

SECTION 26. IC 7.1-5-2-7, AS AMENDED BY P.L.15-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The term "premises" as used in this subsection does not include a facility (as defined in IC 7.1-2-3-16.5). A primary source of supply, wholesaler, or salesman of alcoholic beverages, or the agent or representative of a primary source of supply, wholesaler, or salesman of alcoholic beverages may not directly or indirectly place, display, or maintain or cause to be placed, displayed, or maintained a sign advertising alcoholic beverages by brand name within two hundred (200) feet of a premises having a retailer or dealer permit to sell alcoholic beverages. The distance must be determined by measuring between the nearest point on the licensed premises to the nearest point of the sign.

(b) A sign advertising alcoholic beverages by brand name may not indicate by arrows, hands, or other similar devices a particular retailer or dealer premises.

(c) Notwithstanding subsection (a), a primary source of supply, wholesaler, or salesman of alcoholic beverages, or the agent or representative of a primary source of supply, wholesaler, or salesman of alcoholic beverages may place, display, maintain or cause to be placed, displayed, or maintained temporary banners or pennants advertising alcoholic beverages by brand name on or within two

hundred (200) feet of a retailer or dealer premises if the banners or pennants commemorate a sporting event, festival, or holiday held in Indiana. The banners or pennants may be displayed under this subsection beginning twenty-one (21) days before the sporting event, festival, or holiday and ending five (5) days after the close of the sporting event, festival, or holiday.

(d) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 27. IC 7.1-5-3-1, AS AMENDED BY P.L.6-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This section does not apply to the following:

(1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(b) **Except as provided in section 6 of this chapter,** it is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

SECTION 28. IC 7.1-5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Sale from Original Container Only.~~ **(a) Except as provided in section 6 of this chapter,** it is unlawful for a person to sell, dispense, give away, furnish, or supply or serve to a person, an alcoholic beverage, from a container other than the original container in which the liquor was contained at the time it was purchased by the seller, dispenser, giver, or person serving it.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 29. IC 7.1-5-3-4, AS AMENDED BY P.L.6-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to the following:

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(b) **Except as provided in section 6 of this chapter,** it is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 30. IC 7.1-5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Possession of Untaxed Beverages Prohibited.~~ It is a Class C misdemeanor for a person to sell, barter, give away, or possess an alcoholic beverage, knowing that all taxes due the state on it are not paid.

SECTION 31. IC 7.1-5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Unlawful Furnishing of Evidence of Payment of Tax Prohibited.~~ **(a)** It is unlawful for a person, other than an officer of the state lawfully entitled to do so, to furnish evidence of the payment of the excise tax, or to execute or issue a permit of any type, to another person.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 32. IC 7.1-5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Possession of Counterfeit Permit Prohibited.~~ **(a)** It is unlawful for a person to possess

an article, instrument, imitation, or counterfeit of a permit, other than one lawfully issued to ~~him~~ **the person** and which ~~he~~ **the person** is lawfully entitled to possess.

(b) It is unlawful ~~also,~~ for a person to display an imitation or counterfeit of a permit for the purpose of defrauding the state of the payment of a tax or license fee imposed by this title.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class A misdemeanor. However, the offense is a Level 6 felony if the cost of the permit is at least seven hundred fifty dollars ($750).

SECTION 33. IC 7.1-5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Fraudulent Statement Prohibited.~~ **(a)** It is unlawful for a person to make a statement, written or oral, as to payment to, or the receipt by, the state, for the purpose of defrauding the state of a tax or license fee imposed by this title.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the tax or license fee is at least seven hundred fifty dollars ($750).

SECTION 34. IC 7.1-5-5-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. Issuance of Permits: Illegal Influence Prohibited. It is unlawful for a permittee, or an applicant for a permit, to solicit or accept the assistance of an officer or employee of the state, or of one (1) of its political subdivisions or municipal corporations, or of the United States, or of a political party or political committee, in obtaining the issuance or renewal of a permit or in preventing the suspension or revocation of a permit. This section shall have no application to an officer or employee of the commission nor to a member of a local board. This section does not prohibit the employment of an attorney, regardless of political affiliations, by a permittee or applicant, in obtaining the issuance or renewal of a permit or in preventing the suspension or revocation of a permit.~~

SECTION 35. IC 7.1-5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Commission: Receiving Gifts Prohibited.~~ **(a)** It is unlawful for a commissioner, an officer or employee of the commission, or a member of a local board,

to receive a gratuity, commission, or profit of any kind from a person applying for or receiving a permit under this title.

(b) A person who knowingly or intentionally violates subsection (a) commits a Level 6 felony.

(c) In addition to any other penalty provided for a violation of subsection (a), a person who violates ~~the provisions of this section also~~ **subsection (a)** shall be dismissed as provided in this title.

SECTION 36. IC 7.1-5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Illegal Influence Prohibited.~~ **(a)** It is unlawful for the holder of a manufacturer's permit of any type, a wholesaler's permit of any type, or an officer, employee, agent or other representative of a surety company which has executed a bond for a permittee under this title to seek to influence or recommend or solicit the appointment of a member of a local board, or of an officer, appointee, or employee under this title, or meet with, consult, or advise a member of a local board concerning the issuance of a permit of any type.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 37. IC 7.1-5-5-7, AS AMENDED BY P.L.233-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) It is unlawful for a permittee in a sale or contract to sell alcoholic beverages to discriminate between purchasers by granting a price, discount, allowance, or service charge which is not available to all purchasers at the same time. However, this section does not authorize or require a permittee to sell to a person to whom the permittee is not authorized to sell under this title.

(b) A premises that operates at least two (2) restaurants that are separate and distinct from each other on the same premises may provide for a different schedule of prices in each restaurant if each restaurant conforms to all other laws and rules of the commission regarding pricing and price discrimination in its separate and distinct areas.

(c) This section does not apply to the holder of a gaming site permit that complies with IC 7.1-3-17.5-6.

(d) Notwithstanding subsection (a), a beer wholesaler may offer a special discount price to a beer dealer or beer retailer for beer or flavored malt beverage, if the beer or flavored malt beverage:

(1) is a brand or package the beer wholesaler has discontinued; or

(2) will expire in not more than:

(A) twenty (20) days for packaged beer or packaged flavored malt beverage; and

(B) ten (10) days for draft beer or draft flavored malt beverage.

(e) The special discount under subsection (d) only applies to beer or flavored malt beverage that will expire and be subject to removal from retailer or dealer shelves in accordance with the primary source of supply's coding data clearly identified on the container.

(f) Any beer or flavored malt beverage sold at a special discount price under subsection (d) shall be accompanied by an invoice clearly designating, in addition to all other information required by law, all the following information:

(1) The date of delivery.

(2) The expiration date of each brand, package type, and quantity delivered.

(3) The per unit price for each package.

(g) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 38. IC 7.1-5-5-9, AS AMENDED BY P.L.94-2008, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) This section does not apply to product management (as described in 905 IAC 1-5.2-15) by a permittee.

(b) It is unlawful for a permittee to ~~knowingly or intentionally~~ coerce, or attempt to coerce, or persuade another permittee to enter into an agreement, or to take an action, which would violate a provision of this title or of the rules and regulations of the commission.

(c) It is unlawful for a beer wholesaler or a primary source of supply to cancel or terminate an agreement or contract between a beer wholesaler and a primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.

(d) A person who knowingly or intentionally violates subsection (b) or (c) commits a Class B misdemeanor.

SECTION 39. IC 7.1-5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~Acceptance of Gift by Retailer Prohibited.~~ **(a)** It is unlawful for a person who holds a retailer's or dealer's permit of any type to receive or accept from a manufacturer of alcoholic beverages, or from a permittee authorized to

sell and deliver alcoholic beverages, a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, or lease, rehabilitation, decoration, improvement or repair of premises.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the value received or accepted is at least seven hundred fifty dollars ($750).

SECTION 40. IC 7.1-5-5-11, AS AMENDED BY P.L.224-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Except as provided in subsections (c) and (d), it is unlawful for a manufacturer of alcoholic beverages or a permittee authorized to sell and deliver alcoholic beverages to:

(1) give, supply, furnish, or grant to another permittee who purchases alcoholic beverages from ~~him~~ **the manufacturer or permittee** a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, lease, or rental of premises; or

(2) except as provided in IC 7.1-3-2-9 and IC 7.1-3-3-5(f), have a business dealing with the other permittee.

(b) This section shall not apply to the sale and delivery and collection of the sale price of an alcoholic beverage in the ordinary course of business.

(c) If the promotional program is approved under the rules adopted by the commission and is conducted in all wholesaler establishments through which the manufacturer distributes alcoholic beverages in Indiana, a manufacturer of alcoholic beverages may award bona fide promotional prizes and awards to any of the following:

(1) A person with a wholesaler's permit issued under IC 7.1-3.

(2) An employee of a person with a wholesaler's permit issued under IC 7.1-3.

(d) A manufacturer may offer on a nondiscriminatory basis bona fide incentives to wholesalers when the incentives are determined based on sales to retailers or dealers occurring during specified times for specified products. The incentive may be conditioned on the wholesaler selling a:

(1) specified product at a specified price or less than a specified price; or

(2) minimum quantity of a specified product to a single customer in a single transaction.

The incentive may not be conditioned on a wholesaler having total sales of a minimum quantity of a specified product during the applicable period.

(e) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 41. IC 7.1-5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~Amateur Athletics: Soliciting Assistance Prohibited.~~ **(a)** It is unlawful for a permittee who sponsors an amateur athletic contest, team, or sporting contest to solicit or accept assistance, either financial or otherwise, from another permittee for the purpose of promoting the amateur athletic contest, team, or sporting event.

(b) It ~~also~~ is unlawful for a permittee who is solicited in violation of ~~this section~~ **subsection (a)** to give that assistance.

(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the assistance is at least seven hundred fifty dollars ($750).

SECTION 42. IC 7.1-5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Making Alcoholic Beverages Without Permit Prohibited.~~ **(a)** It is a Class C misdemeanor for a person to knowingly own, have in ~~his~~ **the person's** possession or under ~~his~~ **the person's** control, or use a still or distilling apparatus for the manufacture of liquor, except as otherwise provided in this title.

(b) It ~~also~~ is a Class C misdemeanor for a person to knowingly own, have in ~~his~~ **the person's** possession or under ~~his~~ **the person's** control, or use brewing or wine-making ~~appratus,~~ **apparatus,** for the manufacture for commercial purposes of beer or wine, except as otherwise provided in this title.

SECTION 43. IC 7.1-5-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Acting As Salesman Without Permit Prohibited.~~ **(a)** It is unlawful for a person to act as a salesman, regardless of whether the sale is to be made by a seller within this state, to a buyer within or without this state, or by a seller outside this state for delivery to a buyer within this state, or whether the

sale otherwise may be legal or illegal, unless that person has applied for and been issued a salesman's permit.

(b) It ~~also~~ is unlawful for a buyer in this state to give an order, bargain, contract, or agreement to a salesman who does not have a salesman's permit. This section ~~shall~~ **does** not apply to a permittee of any type, ~~his~~ **a permittee's** ~~agents,~~ **agent,** or employees working or acting on the licensed premises of the permittee.

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 44. IC 7.1-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) It is unlawful for a person to act as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee unless that person has applied for and been issued the appropriate permit. This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d). **A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.**

(b) It is a defense to a charge under this section if, ~~within~~ **not later than** thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, ~~within~~ **not later than** thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

SECTION 45. IC 7.1-5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Falsification of Record Prohibited.~~ **(a)** It is unlawful for a person to falsify, or cause to be falsified, an entry, statement, account, recital, or computation, or an application for a permit, or an instrument, or paper required to be filed in connection with the application, or in connection with the revocation, or proposed revocation, or a permit.

(b) It is unlawful ~~also,~~ for a person to enter, or cause to be entered, a false entry, statement, account, recital, computation, or representation of a fact in a book, document, account, order, paper, or statement required to be kept or filed, or made or furnished to the commission

under the provisions of this title or a rule or regulation of the commission.

(c) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 46. IC 7.1-5-7-0.3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.3. Notwithstanding the amendments made to section 13 of this chapter by P.L.204-2001, not later than July 1, 2002, the commission shall adopt the rules required by section 13(b)(1), as amended by P.L.204-2001.~~

SECTION 47. IC 7.1-5-7-1, AS AMENDED BY HEA 1279-2014, SECTION 2, AND AS AMENDED BY HEA 1005-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. It is a Class C ~~infraction~~ **misdemeanor** for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

SECTION 48. IC 7.1-5-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. It is a Class C misdemeanor for a person to sell, give, or furnish to a minor false or fraudulent evidence of majority or identity with the intent to violate **or assist in the violation of** a provision of this title.

SECTION 49. IC 7.1-5-7-7, AS AMENDED BY HEA 1279-2014, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume an alcoholic beverage; or

(3) transport an alcoholic beverage on a public highway when not accompanied by at least one (1) of the minor's parents or guardians.

(b) If a minor is found to have violated subsection (a)(2) or (a)(3) while operating a vehicle, the court may order the minor's driving privileges suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driving privileges suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending a minor's driving privileges under this section to the bureau of motor vehicles, which shall suspend the minor's driving privileges under IC 9-24-18-12.2 for the period ordered by the court.

SECTION 50. IC 7.1-5-7-8, AS AMENDED BY P.L.158-2013, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) It is a Class B misdemeanor for a person to:

(1) recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor; **or**

(2) knowingly or intentionally:

(A) rent property; or

(B) provide or arrange for the use of property;

for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property.

(b) However, the offense described in subsection (a) is:

(1) a Class A misdemeanor if the person has a prior unrelated conviction under this section; and

(2) a Level 6 felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person.

(c) This section shall not be construed to impose civil liability upon any postsecondary educational institution, including public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless ~~such~~ **the** institution or its agent:

(1) sells, barters, exchanges, provides, or furnishes an alcoholic beverage to a minor; **or**

(2) either:

(A) rents property; or

(B) provides or arranges for the use of property;

for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property.

SECTION 51. IC 7.1-5-7-10, AS AMENDED BY HEA 1279-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) It is a Class C ~~misdemeanor~~ **infraction** for a minor to knowingly or intentionally be in a tavern, bar, or other

public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 52. IC 7.1-5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in section 13 of this chapter, it is a Class B misdemeanor for a person to **knowingly or intentionally** employ a minor in or about a place where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, in a capacity which requires or allows the minor to sell, furnish, or otherwise deal in alcoholic beverages.

SECTION 53. IC 7.1-5-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~Notice From Parents.~~ It is a Class B misdemeanor for a permittee to **knowingly or intentionally** permit a minor to be in or around the licensed premises after receiving written notice from the parent, guardian, or other person having custody of the minor that the ~~person~~ **minor** is in fact a minor and directing that ~~he~~ **the minor** be excluded from the licensed premises.

SECTION 54. IC 7.1-5-8-4, AS AMENDED BY P.L.94-2008, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) It is ~~unlawful~~ **a Class B misdemeanor** for a person who owns or operates a private or public restaurant or place of public or private entertainment to **knowingly or intentionally** permit another person to come into the establishment with an alcoholic beverage for sale or gift, or for consumption in the establishment by that person or another, or to serve a setup to a person who comes into the establishment. However, the provisions of this section ~~shall~~ **do** not apply to the following:

(1) A private room hired by a guest of a bona fide club or hotel that holds a retail permit.

(2) A facility that is used in connection with the operation of a paved track that is used primarily in the sport of auto racing.

(3) An outdoor place of public entertainment that:

(A) has an area of at least four (4) acres and not more than six (6) acres;

(B) is located within one (1) mile of the White River;

(C) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(D) is used primarily in connection with live music concerts.

(b) An establishment operated in violation of this section is declared to be a public nuisance and subject to abatement as other public nuisances are abated under the provisions of this title.

SECTION 55. IC 7.1-5-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Purchase of Beer from Un-Bonded Brewery Prohibited.~~ It is ~~unlawful~~ **a Class C misdemeanor** for a permittee to **knowingly or intentionally** purchase, receive, or import beer from a brewer or other person located outside this state unless the bond and agreement required by ~~the provisions of IC 1971, 7.1-3-2,~~ **this title** have been accepted by the commission and are currently effective.

SECTION 56. IC 7.1-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Commission: Prohibited Interests.~~ **(a)** It is unlawful for a commissioner, an officer or employee of the commission, or a member of a local board, to have an interest, either ~~proprietory~~ **proprietary** or by means of a loan, mortgage, or lien, or in any other manner, or to own stock in a corporation which has an interest, in the premises where alcoholic beverages are manufactured or sold, or in a business wholly or partially devoted to the manufacture, sale, transportation, or storage of alcoholic beverages. The prohibition contained in this section shall not apply to an expert or professional employee employed by the commission only for a special undertaking. A person who violates a provision of this section also shall be dismissed as provided in this title.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 57. IC 7.1-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (c), it is unlawful for the holder of a brewer's permit or for a brewer located outside Indiana that meets the requirements of IC 7.1-3-2-4 and IC 7.1-3-2-5 to hold, acquire, possess,

own, or control, or to have an interest, claim, or title, in or to an establishment, company, or corporation holding or applying for a beer wholesaler's permit under this title, or in its business.

(b) Except as provided in subsection (c), it is unlawful for the holder of a vintner's permit or for a vintner located outside Indiana to hold, acquire, possess, own, or control, or to have an interest, claim, or title in or to, an establishment, company, or corporation holding or applying for a wine wholesaler's permit under this title, or in its business.

(c) A brewer covered by subsection (a) may provide financial assistance to the holder of a beer wholesaler's permit. A vintner covered by subsection (b) may provide financial assistance to the holder of the wine wholesaler's permit. The following conditions apply to the provision of financial assistance under this subsection:

(1) The brewer may not require that the holder of the beer wholesaler's permit, and the vintner may not require that the holder of a wine wholesaler's permit, accept the financial assistance.

(2) The financial assistance may be unsecured or secured.

(3) If the financial assistance is secured, it may be secured only by a security interest in the following property of the holder of the wholesaler's permit:

(A) Inventory of the products of the brewer or vintner.

(B) Premises or equipment, if the premises or equipment is used in the business of the holder of the wholesaler's permit.

(4) If the financial assistance is secured, the value of the property in which the security interest lies may not substantially exceed the debt secured.

(5) Except as provided in IC 7.1-3-2-9, the brewer or the vintner may not use financial assistance to acquire complete or partial control of the business of the holder of the wholesaler's permit.

(6) Except as provided in IC 7.1-3-2-9, the brewer or vintner must make available to all wholesalers (of any of its products) any assistance that it offers to any one (1) wholesaler of any of its products. This assistance must be provided on substantially identical terms. The brewer or vintner may not discriminate among wholesalers of any of its products in the enforcement of any terms related to assistance under this section.

(7) The brewer or vintner must report to the commission any assistance that it offers to a wholesaler under this section. It must make this report promptly after the assistance is offered.

(d) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 58. IC 7.1-5-9-3, AS AMENDED BY P.L.71-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(b) It is unlawful for the holder of a brewer's or beer wholesaler's permit to have an interest in a liquor permit of any type under this title.

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 59. IC 7.1-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** Except as provided in IC 7.1-3-3-4, an applicant for a beer wholesaler's permit shall have no interest in the following:

(1) A permit to manufacture or to sell at retail alcoholic beverages of any kind.

(2) Any other permit to wholesale alcoholic beverages.

(3) Through stock ownership or otherwise, a partnership, limited liability company, or corporation that holds:

(A) a permit to manufacture or to sell at retail alcoholic beverages of any kind; or

(B) any other permit to wholesale alcoholic beverages of any kind.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 60. IC 7.1-5-9-6, AS AMENDED BY P.L.109-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to the holder of an artisan distiller's permit that has an interest in a brewer's permit under IC 7.1-3-2-7(5).

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 61. IC 7.1-5-9-7, AS AMENDED BY SEA 24-2014, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a) Except as provided in IC 7.1-3-27-6,** it is unlawful for the holder of an artisan distiller's, a distiller's, or a rectifier's permit to own, acquire, possess or cause to be transferred to the holder shares of stock of a corporation that holds an Indiana permit to sell alcoholic beverages at retail, or in a permit to sell at retail in this state, or to own or acquire an interest in the business being conducted under the permit, or in or to shares of stock in a corporation that owns a permit to sell at retail.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 62. IC 7.1-5-9-8, AS AMENDED BY P.L.109-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a)** The holder of an artisan distiller's permit, a distiller's permit, or a rectifier's permit may not own, acquire, or possess a permit to sell liquor at wholesale. A distiller or rectifier may not have an interest in the business of a permittee who is authorized to sell beer, liquor, or wine at wholesale or retail.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 63. IC 7.1-5-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Wholesaler's Interests Limited.~~ **(a)** It is unlawful for a person who has an interest in a beer wholesaler's permit to acquire, hold, own, or possess an interest of any type in a beer dealer's or retailer's permit.

(b) It is unlawful ~~also,~~ for a person who has an interest in a liquor wholesaler's permit to acquire, hold, own, or possess an interest of any type in a liquor dealer's or retailer's permit.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 64. IC 7.1-5-9-10, AS AMENDED BY P.L.71-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a brewer's permit for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(c) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.

SECTION 65. IC 7.1-5-9-13, AS AMENDED BY P.L.109-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a) A:**

(1) ~~The~~ proprietor of a drug store; ~~a~~

(2) corporation holding:

(A) an artisan distiller's permit;

(B) a distiller's permit; ~~or~~

(C) a brewer's permit;

(D) ~~or~~ a wholesaler's permit; or

(E) a permit to retail or deal in alcoholic beverages; **or**

(3) a wholesale drug company ~~and~~ **or** a person who is the proprietor of a wholesale drug company;

may not own or control or participate in the permit of a package liquor store, or in its business, or in its establishment.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 66. IC 7.1-5-9-14, AS AMENDED BY P.L.94-2008, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. **(a)** It is unlawful for the holder of a brewer's, distiller's, rectifier's, or a wholesaler's permit of any type to sell an alcoholic beverage to a person who does not hold an appropriate permit under this title, ~~However, this section shall not apply to~~ **unless the sale is** the sale of an alcoholic beverage to a consumer or employee as expressly authorized in this title.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 67. IC 7.1-5-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The commission shall establish a manager's questionnaire for managers of licensed premises for the sale of alcoholic beverages.

(b) It is unlawful for a person to:

(1) manage; or

(2) buy when the transfer of the permit is contingent upon terms of a contract or an agreement;

a licensed premises for the sale of alcoholic beverages, unless the person has filed a valid manager's questionnaire with the commission.

(c) The filing of a manager's questionnaire under this section:

(1) is in addition to other requirements for managers under this title; and

(2) does not exempt the filer from IC 7.1-5-6-3.

(d) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

SECTION 68. IC 7.1-5-10-1, AS AMENDED BY P.L.10-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (c), it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on at the premises, as at a hotel or restaurant, permits.

(c) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(d) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 69. IC 7.1-5-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Unauthorized Sales Prohibited.~~ **(a)** It is unlawful for a permittee to recklessly sell, keep for sale, barter, furnish, or give away an alcoholic beverage which ~~he~~ **the permittee** is not entitled to sell, keep for sale, barter, furnish, or give away under ~~his~~ **the** permit.

(b) A person who violates this section commits a Class B misdemeanor.

SECTION 70. IC 7.1-5-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Unauthorized Dealings Prohibited.~~ **(a)** It is unlawful for a person who is not a permittee to recklessly give away or furnish, to a person other than a guest or a member of ~~his~~ **the permittee's** family, or to recklessly sell, barter, or exchange, an alcoholic beverage unless ~~he~~ **the permittee** is expressly authorized to do so by this title.

(b) A person who violates this section commits a Class B misdemeanor.

SECTION 71. IC 7.1-5-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Sale of Untaxed Alcoholic Beverages Prohibited.~~ **(a)** It is unlawful for a person to recklessly sell, give, withdraw for sale or gift, offer for sale, display, barter, exchange, purchase, receive, possess, transport, or store an alcoholic beverage upon which the appropriate excise tax and applicable license fee have not been paid.

(b) A person who violates this section commits a Class B misdemeanor.

SECTION 72. IC 7.1-5-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Sale Without Permit Prohibited.~~ **(a)** It is unlawful for a person, except as otherwise permitted by this title, to **knowingly or intentionally** purchase, receive, manufacture, import, or transport, or cause to be imported or transported from another state, territory, or country, into this state, or transport, ship, barter, give away, exchange, furnish, or otherwise handle, or dispose of an alcoholic beverage, or to possess an alcoholic beverage for purpose of sale.

(b) It is unlawful ~~also,~~ for a person ~~knowingly~~ to receive or acquire an alcoholic beverage from a person **that the person knows** ~~who~~ does not hold, unrevoked, the appropriate permit under this title to sell, deliver, furnish, or give the alcoholic beverage to ~~him~~ **the person.**

(c) A person who violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 73. IC 7.1-5-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Sale of Adulterated or Misbranded Beverage Prohibited.~~ **(a)** It is unlawful for a person to sell, offer or expose for sale, or have in ~~his~~ **the person's** possession

with intent to sell, an alcoholic beverage that is adulterated or misbranded.

(b) It is unlawful ~~also,~~ for a person to alter or change a brand, label, mark, design, device, or inscription that has reference to the kind, brand, age, quality, quantity, or other description of the alcoholic beverage contents of a bottle or container.

(c) The possession of an adulterated or misbranded alcoholic beverage by a permittee, or other person engaged in the manufacture or traffic in alcoholic beverages, is prima facie evidence of knowledge of the misbranding or adulteration and of an intent to violate a provision of this section.

(d) The possession by a permittee, or other person engaged in the alcoholic beverage traffic, of a bottle or container used, or intended to be used, for containing an alcoholic beverage on which a label, brand, mark, design, or device has been altered or changed is prima facie evidence of an intent to violate a provision of this section.

(e) A person who violates subsection (a) or knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

SECTION 74. IC 7.1-5-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~Solicitation of Certain Orders Prohibited.~~ **(a)** It is unlawful for a person to solicit or receive, or to allow ~~his~~ **the person's** employee to solicit or receive, an order for an alcoholic beverage from another person in violation of a provision of this title.

(b) It is unlawful ~~also,~~ for a person to give information of how an alcoholic beverage may be obtained in violation of a provision of this title.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 75. IC 7.1-5-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Alcoholic Content Regulation.~~ **(a)** It is unlawful, except as otherwise authorized in this title, for a person to sell, give away, barter, furnish, or exchange, or to possess or keep for a prohibited purpose, alcohol as a beverage, or a beverage or liquid likely to be used or intended to be used as a beverage, which has a content of alcohol that is higher than is permitted by the rules ~~and regulation~~ of the commission.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 76. IC 7.1-5-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~Sale of Cold Beer Prohibited.~~ **(a)** It is unlawful for the holder of a beer dealer's permit to offer or display for sale, or sell, barter, exchange or give away a bottle, can, container, or package of beer that was iced or cooled by the permittee before or at the time of the sale, exchange, or gift.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 77. IC 7.1-5-10-12, AS AMENDED BY P.L.109-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a) Except as provided in subsections (b) through (d),** it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) ~~This section shall not prohibit~~ A permittee ~~from crediting~~ **may credit** to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale ~~This section shall not prohibit a permittee from refunding~~ **and refund** to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) ~~This section shall not prohibit~~ A manufacturer ~~from extending~~ **may extend** usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) ~~This section shall not prohibit~~ An artisan distiller, a distiller, or a liquor or wine wholesaler ~~from extending~~ **may extend** credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 78. IC 7.1-5-10-13, AS AMENDED BY P.L.44-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a)** A permittee who holds a permit to sell at retail shall not cash a check issued by the ~~county office of the division of family resources~~ **division of family and children** or by a charitable organization if any part of the proceeds of the check are to be used to purchase an alcoholic beverage.

(b) A permittee who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 79. IC 7.1-5-10-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14. Sales to Habitual Drunkards Prohibited. It is unlawful for a permittee to sell, barter, exchange, give, provide, or furnish an alcoholic beverage to a person whom he knows to be a habitual drunkard.~~

SECTION 80. IC 7.1-5-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) ~~It is unlawful for a person to sell, barter, deliver, or give away~~ **A person who, knowing that another person is intoxicated, sells, barters, delivers, or gives away** an alcoholic beverage to ~~another~~ **the intoxicated** person ~~who is in a state of intoxication if the person knows that the other person is intoxicated.~~ **commits a Class B misdemeanor.**

(b) In any civil proceeding in which damages are sought from a permittee or a permittee's agent for the refusal to serve a person an alcoholic beverage, it is a complete defense if the permittee or agent reasonably believed that the person was intoxicated or was otherwise not entitled to be served an alcoholic beverage.

(c) After charges have been filed against a person for a violation of subsection (a), the prosecuting attorney shall notify the commission of the charges filed.

SECTION 81. IC 7.1-5-10-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16. Sale to Inmate Prohibited. It is a Class C infraction for a person to furnish an alcoholic beverage to a person confined in a penal facility. It is unlawful, also, for a person who has charge of a penal facility to knowingly permit a prisoner confined within his jurisdiction to receive an alcoholic beverage unless it has been prescribed by a physician as medicine for the prisoner.~~

SECTION 82. IC 7.1-5-10-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18. Taking Beverage from Train Prohibited. It is~~

~~unlawful for the holder of a dining car permit to sell an alcoholic beverage to a person for the purpose of its being carried off the train. It also is unlawful for a person to carry an alcoholic beverage off a train that was purchased on it.~~

SECTION 83. IC 7.1-5-10-19 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 19. Taking Beverage from Boat Prohibited. It is unlawful for the holder of a boat permit to sell an alcoholic beverage to a person for the purpose of its being carried off the boat. It also is unlawful for a person to carry an alcoholic beverage off a boat that was purchased on it.~~

SECTION 84. IC 7.1-5-10-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) It is unlawful for a holder of a retailer's permit to do any of the following:

(1) Sell alcoholic beverages during a portion of the day at a price that is reduced from the usual, customary, or established price that the permittee charges during the remainder of that day.

(2) Furnish two (2) or more servings of an alcoholic beverage upon the placing of an order for one (1) serving to one (1) person for that person's personal consumption.

(3) Charge a single price for the required purchase of two (2) or more servings of an alcoholic beverage.

(b) Subsection (a) applies to private clubs but does not apply to private functions that are not open to the public.

(c) Notwithstanding subsection (a)(1), it is lawful for a holder of a retailer's permit to sell alcoholic beverages during a portion of the day at a price that is increased from the usual, customary, or established price that the permittee charges during the remainder of that day as long as the price increase is charged when the permittee provides paid live entertainment not incidental to the services customarily provided.

(d) Notwithstanding subsection (a), section 12 of this chapter, and IC 7.1-5-5-7, it is lawful for a hotel, in an area of the hotel in which alcoholic beverages are not sold, to make available to its registered guests and their guests alcoholic beverages at no additional charge beyond what is to be paid by the registered guests as the room rate.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 85. IC 7.1-5-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. **(a)** It is unlawful

for a retailer or dealer to sell a flavored malt beverage except under the same conditions that a retailer or dealer is permitted to sell beer or other alcoholic beverages obtained by the fermentation of an infusion or decoction of barley malt or other cereal and hops in water.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 86. IC 7.1-5-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Importation Limited.~~ **A person who knowingly or intentionally** ~~It is unlawful for a person to import~~ **imports** liquor into this state ~~unless he is specifically authorized to do so by this title.~~ **without specific authorization under this title commits a Class B misdemeanor.**

SECTION 87. IC 7.1-5-11-1.5, AS AMENDED BY P.L.165-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) Except as provided in IC 7.1-3-26, it is unlawful for a person in the business of selling alcoholic beverages in Indiana or outside Indiana to ship or cause to be shipped an alcoholic beverage directly to a person in Indiana who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) An in-state or an out-of-state vintner, distiller, brewer, rectifier, or importer that:

(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) knowingly violates subsection (a);

commits a Class A misdemeanor.

(c) A person who is not an in-state or an out-of-state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives who knowingly violates subsection (a) commits a Level 6 felony.

~~(b)~~ **(d)** Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(e) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, distiller, brewer,

rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:

(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and

(2) request the federal bureau to take appropriate action.

~~(c)~~ **(f)** The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 88. IC 7.1-5-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Transportation Limited.~~ **(a)** It is unlawful for a carrier who is required to obtain a carrier's alcoholic permit by ~~IC 1971,~~ **IC** 7.1-3-18 to transport alcoholic beverages over or along a public highway within this state unless ~~he~~ **the carrier** has applied for **a carrier's alcoholic permit** and been issued:

(1) a carrier's alcoholic permit; **or**

(2) specific authorization from the commission to transport alcoholic beverages on a public highway under rules adopted by the commission.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 89. IC 7.1-5-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Transportation in Non-Registered Vehicles Prohibited.~~ **(a)** It is unlawful for the holder of a carrier's alcoholic permit to import or transport alcoholic beverages in a vehicle that has not been registered with the commission as required by this title.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 90. IC 7.1-5-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Deliveries Limited.~~ **(a)** It is unlawful for an officer, agent, or employee of a railroad company, express company, or other common carrier to recklessly deliver:

(1) an alcoholic beverage to a person other than the person to whom it is consigned;

(2) it without a written order by the consignee; or

(3) it to a person when the alcoholic beverage has been consigned to a fictitious person or a person under a fictitious name.

(b) A person who violates this section commits a Class B misdemeanor.

SECTION 91. IC 7.1-5-11-5, AS AMENDED BY P.L.158-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~It is a Level 6 felony for a person to transport~~ **(a) This section does not apply to a permittee, or a licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on the alcoholic beverage before the time the alcoholic beverage is withdrawn for sale.**

(b) A person who transports an alcoholic beverage on a public highway, knowing that any of the taxes due the state on it ~~are~~ **have not been** ~~not~~ paid, **commits a Level 6 felony.** ~~This section does not apply to a permittee, or a duly licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on it prior to the time that it is withdrawn for sale.~~

SECTION 92. IC 7.1-5-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Devious Transportation Prohibited.~~ **(a)** It is unlawful for a person to use or employ, or agree to use or employ, a method of transportation, or device, or fictitious name, or fictitious routing, or to enter into a scheme or method of transportation, or to resort to a trick or device, with the intent to evade, avoid, or defeat the collection of a tax imposed by this title, or to evade or prevent the enforcement of a provision of this title.

(b) A person who violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the amount of tax is at least seven hundred fifty dollars ($750).

SECTION 93. IC 7.1-5-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~False Shipments Prohibited.~~ **(a)** It is unlawful for a consignee to accept or receive a package that contains an alcoholic beverage upon which appears a statement, label, address, superscription, shipping direction, legend, or design which ~~is known to him to be~~ **the person knows is** false or misleading.

(b) It is unlawful ~~also,~~ for a carrier, or other person, to consign, ship, transport, or deliver a package that contains an alcoholic beverage ~~knowing~~ **if the person knows that** a statement, label, address, superscription, shipping direction, legend, or design on it ~~to be~~ **is** false or misleading.

(c) A person who violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 94. IC 7.1-5-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~Delivery to Non-Consignee Prohibited.~~ **(a)** It is unlawful for a person to present or tender for transportation to a carrier or a person acting or assuming to act for a carrier an alcoholic beverage:

(1) for delivery to a person other than the consignee designated by the person offering the alcoholic beverage for shipment; or

(2) for the purpose of effecting a delivery of the alcoholic beverage to a person not permitted to receive it as consignee:

(A) under the provisions of this title; ~~or~~

(B) under the provisions of a rule ~~and regulation~~ of the commission; or

(C) ~~to a~~ **because the** person **is** not the bona fide consignee of the shipment.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 95. IC 7.1-5-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Violation of Transportation Contract Prohibited.~~ **(a)** It is unlawful for a carrier or a person acting or assuming to act for a carrier, to deliver an alcoholic beverage in this state to a person, or at a place, other than the person, or place, or both, designated in the bill of lading or transportation contract.

(b) It is unlawful ~~also,~~ for a person to accept for transportation a shipment containing an alcoholic beverage, knowing that the shipment is intended for a person not permitted to receive it under the provisions of this title, or ~~of~~ **under** a rule ~~or regulation~~ of the commission.

(c) A person who knowingly or intentionally violates subsection (a), or who violates subsection (b), commits a Class B misdemeanor.

SECTION 96. IC 7.1-5-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~Transportation of Liquor Limited.~~ **(a) This section applies only if the commission has adopted a rule requiring a mark or label of identification to be displayed on the outside of a package containing liquor.**

(b) It is unlawful for a person to transport liquor or cause it to be transported upon a public highway into this state from another state, territory, or country, or to transport or cause it to be transported along or over a public highway in this state, unless there is displayed on the outside of the package, in plain view, a mark or label of identification ~~as the commission, by rule or regulation, may require.~~ **required by a rule adopted by the commission.**

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 97. IC 7.1-5-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~Bill of Lading Required.~~ **(a)** It is unlawful for a person to transport into this state upon a public highway of this state, an alcoholic beverage from another state, territory, or country, unless the person accompanying, or in charge of the shipment, ~~shall have~~ **has** present and available for exhibition:

(1) a bill of lading; or

(2) other evidence of ownership or shipment ~~as~~ **authorized by a rule adopted by** the commission. ~~by rule or regulation, may require.~~

(b) It is unlawful ~~also,~~ for a person to refuse to exhibit, or permit to be read or examined, the bill of lading or other evidence of ownership or shipment upon a lawful demand of the chairman, or of a police officer of the state, or of a governmental subdivision of it.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 98. IC 7.1-5-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~Use of Highway for Evasion Prohibited.~~ **(a)** It is unlawful for a person to use or employ a public highway in this state ~~for the purpose~~ **with the intent** of evading a provision of this title.

(b) A person who violates this section commits a Class B misdemeanor.

SECTION 99. IC 7.1-5-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~Keeping of Record Required.~~ **(a)** A railroad company, an express company, and a common carrier shall keep in the office at which delivery of an alcoholic beverage to a consignee is made, a separate record in which shall be entered the information required by this title for the shipment of an alcoholic beverage.

(b) This record shall be open to the inspection of the chairman.

(c) ~~It is unlawful for~~ An agent, officer, or employee of a railroad company, express company, or common carrier ~~to violate a provision of~~ **who knowingly or intentionally violates** this section **commits a Class B misdemeanor.**

SECTION 100. IC 7.1-5-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~False Statement Prohibited.~~ **(a)** It is unlawful for a person to make a false statement to a railroad, express, or transportation company for the purpose of obtaining an alcoholic beverage.

(b) It is unlawful ~~also,~~ for a person to make a false statement to a person engaged in the business of transporting goods, wares, and merchandise for the purpose of obtaining the shipment, transportation, or delivery of an alcoholic beverage.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

SECTION 101. IC 7.1-5-11-15, AS AMENDED BY P.L.165-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. ~~It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title.~~ **(a)** This section ~~shall~~ **does** not apply to the shipment of an alcoholic beverage from another state in continuous transit through this state into another state unless the shipment is intended to evade a provision of this title.

(b) This section ~~shall~~ **does** not prohibit a person, other than **a** permittee, from bringing into this state a quantity of:

(1) wine not exceeding eighteen (18) liters; or

(2) liquor not exceeding one (1) quart;

if the person is a traveler in the ordinary course of travel and if it is not intended for sale to another person.

(c) It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title.

(d) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 102. IC 7.1-5-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. ~~Transportation on Sunday Prohibited.~~ It is a Class C misdemeanor for a person to **knowingly or intentionally** deliver or transport an alcoholic beverage to the holder of a retailer's or dealer's permit of any type, except a temporary beer or wine permit, on Sunday.

SECTION 103. IC 9-24-18-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:~~

~~(1) uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages; or~~

~~(2) is convicted of the offenses listed in IC 7.1-5-7-1(b) or IC 7.1-5-7-10.~~

~~(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.~~

SECTION 104. IC 9-24-18-12.2, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.2 Upon receipt of a court order under IC 7.1-5-7-7 (minor consuming or transporting alcohol), the bureau shall suspend the minor's driving privileges for the period ordered by the court. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under IC 7.1-5-7.**

SECTION 105. IC 35-51-7-1, AS AMENDED BY P.L.6-2012, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 7.1:

IC 7.1-3-10-10 (Concerning liquor dealer's permits).
IC 7.1-3-26-5 (Concerning direct wine seller's permits).
IC 7.1-3-26-6 (Concerning direct wine seller's permits).
IC 7.1-3-26-10 (Concerning farm winery brandy distiller's permits).
~~IC 7.1-3-26-15 (Concerning direct wine seller's permits).~~
IC 7.1-3-27-3 (Concerning artisan distiller's permits).
IC 7.1-3-27-8 (Concerning artisan distiller's permits).
IC 7.1-3-27-9 (Concerning artisan distiller's permits).
IC 7.1-3-27-10 (Concerning artisan distiller's permits).
IC 7.1-3-27-11 (Concerning artisan distiller's permits).
IC 7.1-3-27-12 (Concerning artisan distiller's permits).
IC 7.1-3-27-13 (Concerning artisan distiller's permits).
IC 7.1-3-27-14 (Concerning artisan distiller's permits).
IC 7.1-3-27-15 (Concerning artisan distiller's permits).
IC 7.1-5-1-1 (Concerning alcohol).
IC 7.1-5-1-3 (Concerning public intoxication).
IC 7.1-5-1-6 (Concerning public intoxication).
~~IC 7.1-5-1-8 (Concerning alcohol).~~
~~IC 7.1-5-1-9 (Concerning alcohol).~~
~~IC 7.1-5-1-9.5 (Concerning alcohol).~~
IC 7.1-5-1-12 (Concerning alcohol).
IC 7.1-5-2-3 (Concerning signs).
IC 7.1-5-2-7 (Concerning signs).
IC 7.1-5-3-1 (Concerning containers).
IC 7.1-5-3-2 (Concerning containers).
IC 7.1-5-3-4 (Concerning containers).
IC 7.1-5-4-1 (Concerning alcohol).
IC 7.1-5-4-3 (Concerning alcohol).
IC 7.1-5-4-5 (Concerning permits).
IC 7.1-5-4-6 (Concerning alcohol).
IC 7.1-5-5-2 (Concerning permits).
IC 7.1-5-5-3 (Concerning permits).
IC 7.1-5-5-7 (Concerning discounts).
IC 7.1-5-5-9 (Concerning agreements).
IC 7.1-5-5-10 (Concerning gifts).
IC 7.1-5-5-11 (Concerning rebates).
IC 7.1-5-5-12 (Concerning athletics).
IC 7.1-5-6-1 (Concerning alcohol).

IC 7.1-5-6-2 (Concerning sales).
IC 7.1-5-6-3 (Concerning sales).
IC 7.1-5-6-4 (Concerning permits).
IC 7.1-5-7-1 (Concerning alcohol).
IC 7.1-5-7-2 (Concerning alcohol).
IC 7.1-5-7-7 (Concerning alcohol).
IC 7.1-5-7-8 (Concerning alcohol).
IC 7.1-5-7-10 (Concerning alcohol).
IC 7.1-5-7-12 (Concerning alcohol).
IC 7.1-5-7-14 (Concerning alcohol).
IC 7.1-5-8-1 (Concerning alcohol and tobacco).
IC 7.1-5-8-3 (Concerning alcohol).
IC 7.1-5-8-4 (Concerning sales).
IC 7.1-5-8-5 (Concerning alcohol).
IC 7.1-5-8-6 (Concerning alcohol).
IC 7.1-5-8-9 (Concerning sales).
IC 7.1-5-9-1 (Concerning interests).
IC 7.1-5-9-2 (Concerning interests).
IC 7.1-5-9-3 (Concerning interests).
IC 7.1-5-9-4 (Concerning interests).
IC 7.1-5-9-6 (Concerning interests).
IC 7.1-5-9-7 (Concerning interests).
IC 7.1-5-9-8 (Concerning permits).
IC 7.1-5-9-9 (Concerning interests).
IC 7.1-5-9-10 (Concerning interests).
IC 7.1-5-9-13 (Concerning interests).
IC 7.1-5-9-14 (Concerning sales).
IC 7.1-5-9-15 (Concerning questionnaires).
IC 7.1-5-10-1 (Concerning sales).
IC 7.1-5-10-2 (Concerning sales).
IC 7.1-5-10-3 (Concerning sales).
IC 7.1-5-10-4 (Concerning sales).
IC 7.1-5-10-5 (Concerning sales).
IC 7.1-5-10-6 (Concerning sales).
IC 7.1-5-10-8 (Concerning solicitation).
IC 7.1-5-10-9 (Concerning sales).
IC 7.1-5-10-10 (Concerning alcohol).
IC 7.1-5-10-11 (Concerning sales).

IC 7.1-5-10-12 (Concerning sales).
IC 7.1-5-10-13 (Concerning sales).
IC 7.1-5-10-15 (Concerning sales).
IC 7.1-5-10-17 (Concerning sales).
IC 7.1-5-10-20 (Concerning sales).
IC 7.1-5-10-21 (Concerning alcohol).
IC 7.1-5-10-22 (Concerning sales).
IC 7.1-5-10-23 (Concerning alcohol).
IC 7.1-5-11-1 (Concerning importation).
IC 7.1-5-11-1.5 (Concerning importation).
IC 7.1-5-11-2 (Concerning transportation).
IC 7.1-5-11-3 (Concerning transportation).
IC 7.1-5-11-4 (Concerning delivery).
IC 7.1-5-11-5 (Concerning alcohol).
IC 7.1-5-11-6 (Concerning transportation).
IC 7.1-5-11-7 (Concerning shipments).
IC 7.1-5-11-8 (Concerning transportation).
IC 7.1-5-11-9 (Concerning transportation).
IC 7.1-5-11-10 (Concerning transportation).
IC 7.1-5-11-11 (Concerning transportation).
IC 7.1-5-11-12 (Concerning transportation).
IC 7.1-5-11-13 (Concerning recordkeeping).
IC 7.1-5-11-14 (Concerning false statements).
IC 7.1-5-11-15 (Concerning transportation).
IC 7.1-5-11-16 (Concerning alcohol).

P.L.160-2014
[S.238. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-18-2-8, AS AMENDED BY P.L.262-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in section 7(h) of this chapter and subsection (f), the bureau shall determine the schedule for registration for the following categories of vehicles:

(1) Passenger motor vehicles.
(2) Recreational vehicles.
(3) Motorcycles.
(4) Trucks that:
(A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and
(B) have a declared gross weight of not more than eleven thousand (11,000) pounds.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the indicia required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

(1) Administer the certificate of registration.

(2) Issue the license plate according to the bureau's central fulfillment processes.

(3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

(g) After December 31, 2015, a person that:

(1) owns a private bus; and

(2) desires to:

(A) register for the first time; or

(B) reregister;

the private bus;

must present to the bureau an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3, in addition to any other information required by the bureau.

SECTION 2. IC 9-19-22 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 22. Inspection of Equipment for Private Buses

Sec. 1. This chapter applies to a private bus that is registered or reregistered with the bureau after December 31, 2015.

Sec. 2. As used in this chapter, "program" refers to a program to inspect private buses established under section 3 of this chapter.

Sec. 3. (a) The superintendent of the state police department shall establish a program to inspect private buses under this chapter. The superintendent may, but is not required to, adopt rules under IC 4-22-2 to establish the program.

(b) A program established under subsection (a) must do the following:

(1) Identify categories of individuals who may conduct an inspection under the program.

(2) Prescribe safety requirements for the construction and equipment of private buses subject to this chapter, including requiring a determination of the existence and condition of a private bus's:

(A) brakes;

(B) lights;

(C) steering and suspension;

(D) exhaust systems;

(E) body; and

(F) tires.

(3) If an inspection under the program reveals that a private bus meets the safety requirements prescribed under subdivision (2), require the individual who inspected the private bus to issue to the owner of the private bus a certificate stating that the private bus was inspected and met the prescribed safety requirements.

(c) A program established under subsection (a) may impose a fee for conducting an inspection and issuing a certificate. The fee:

(1) may be sufficient to defray; and

(2) may not exceed;

actual inspection and administrative costs.

Sec. 4. An inspection that complies with 49 CFR Part 396 satisfies the requirements of this chapter.

Sec. 5. This chapter does not require the state police department to inspect private buses under this chapter.

P.L.161-2014
[S.255. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 10-11-2-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 33. (a) The superintendent shall adopt guidelines to establish a standard medical forensic examination kit for victims of a sex crime.**

(b) The superintendent shall distribute the standard medical forensic examination kits to hospitals and other health care providers who may provide forensic medical examinations to the victims of a sex crime. The superintendent may adopt guidelines to carry out this subsection.

SECTION 2. IC 16-18-2-97, AS AMENDED BY P.L.3-2008, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 97. "Division" means the following:

(1) For purposes of IC 16-21-8, the meaning set forth in ~~IC 16-21-8-0.1.~~ **IC 16-21-8-0.2.**

(2) For purposes of IC 16-22-8, the meaning set forth in IC 16-22-8-3.

(3) For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.

(4) For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.

(5) For purposes of IC 16-41-40, the division of family resources established by IC 12-13-1-1.

SECTION 3. IC 16-18-2-117.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: **Sec. 117.5. "Evidence", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.**

SECTION 4. IC 16-18-2-295, AS AMENDED BY P.L.141-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in ~~IC 16-21-8-0.5.~~ **IC 16-21-8-0.2.**

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7), and IC 16-41-1 through IC 16-41-9, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.
(B) A psychotherapist.
(C) A dentist.
(D) A registered nurse.
(E) A licensed practical nurse.
(F) An optometrist.
(G) A podiatrist.
(H) A chiropractor.
(I) A physical therapist.
(J) A psychologist.
(K) An audiologist.
(L) A speech-language pathologist.
(M) A dietitian.
(N) An occupational therapist.
(O) A respiratory therapist.
(P) A pharmacist.
(Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified advanced emergency medical technician, or a licensed paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

(d) "Provider", for purposes of IC 16-48-1, has the meaning set forth in IC 16-48-1-3.

SECTION 5. IC 16-18-2-321.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 321.5. "Sample", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.**

SECTION 6. IC 16-18-2-326.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 326.5. "Secured storage", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.**

SECTION 7. IC 16-18-2-328.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 328.3. "Sexual assault examination kit", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.**

SECTION 8. IC 16-18-2-328.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 328.4. "Sexual assault nurse examiner", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.2.**

SECTION 9. IC 16-18-2-365.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 365.5. "Victim", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.9.~~

SECTION 10. IC 16-21-8-0.1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.1. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).~~

SECTION 11. IC 16-21-8-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.2. The following definitions apply throughout this chapter:**

(1) "Division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).

(2) "Evidence" means the results collected from a forensic medical examination of a victim by a provider.

(3)"Provider" means a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim.

(4) "Sample" means the result collected from a forensic medical examination of the victim by a provider, when the victim has not yet reported the sex crime to law enforcement.

(5) "Secured storage" means a method of storing a sample that will adequately safeguard the integrity and viability of the sample.

(6) "Sexual assault examination kit" means the standard medical forensic examination kit for victims of sexual assault developed by the state police department under IC 10-11-2-33.

(7) "Sexual assault nurse examiner" means a registered nurse who:

(A) has received training to provide comprehensive care to sexual assault survivors; and

(B) can:

(i) conduct a forensic medical examination; and

(ii) collect evidence from a sexual assault victim.

SECTION 12. IC 16-21-8-0.3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.3. As used in this chapter, "evidence" means the results collected from a forensic medical exam of a victim by a provider when the victim has reported the sex crime to law enforcement.~~

SECTION 13. IC 16-21-8-0.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.5. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim.~~

SECTION 14. IC 16-21-8-0.6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.6. As used in this chapter, "sample" means the result collected from a forensic medical exam of the victim by a provider, when the victim has not yet reported the sex crime to law enforcement.~~

SECTION 15. IC 16-21-8-0.7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.7. As used in this chapter, "secured storage" means a method of storing a sample that will adequately safeguard the integrity and viability of the sample.~~

SECTION 16. IC 16-21-8-0.8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.8. As used in this chapter, "sexual assault nurse examiner" means a registered nurse who:~~

~~(1) has received training to provide comprehensive care to sexual assault survivors; and~~

~~(2) can:~~

~~(A) conduct a forensic medical examination; and~~

~~(B) collect evidence from a sexual assault victim.~~

SECTION 17. IC 16-21-8-0.9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.9. As used in this chapter, "victim" means an alleged sex crime victim.~~

SECTION 18. IC 16-21-8-1, AS AMENDED BY P.L.214-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.(a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide forensic medical exams and additional forensic services to all alleged sex crime victims who apply for forensic medical exams and additional forensic services in relation to injuries or trauma resulting from the alleged sex crime. **To the extent practicable, the hospital shall use a sexual assault examination kit to conduct forensic exams and provide forensic services.** The provision of services may not be dependent on a victim's reporting to, or cooperating with, law enforcement.

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (repealed).

(3) Child molesting (IC 35-42-4-3).

(4) Vicarious sexual gratification (IC 35-42-4-5).

(5) Sexual battery (IC 35-42-4-8).

(6) Sexual misconduct with a minor (IC 35-42-4-9).

(7) Child solicitation (IC 35-42-4-6).

(8) Child seduction (IC 35-42-4-7).

(9) Incest (IC 35-46-1-3).

(c) Payment for services under this section shall be processed in accordance with rules adopted by the victim services division of the Indiana criminal justice institute.

SECTION 19. IC 16-21-8-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.1. (a) A provider may conduct a forensic medical examination without the consent of the person who is the subject of the examination, or the consent of another person authorized to give consent under IC 16-36-1-5, if the following conditions are met:**

(1) The person:

(A) does not have the capacity to provide informed consent under IC 16-36-1; and

(B) is, based on the medical opinion of the health care provider, incapable of providing consent within the time for evidence to be collected through a forensic medical examination.

(2) The provider has a reasonable suspicion that the person may be the victim of a sex crime.

(3) A person authorized to give consent under IC 16-36-1-5 is:

(A) not reasonably available; or

(B) the suspected perpetrator of the sex crime.

(b) A provider is immune from civil liability for conducting a forensic medical examination without consent in accordance with this section unless performance of the forensic medical examination constitutes gross negligence or willful or wanton misconduct.

SECTION 20. IC 34-30-2-66.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 66.3. IC 16-21-8-1.1 (Concerning a provider conducting a forensic medical examination).**

P.L.162-2014
[S.291. Approved March 26, 2014.]

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

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

SECTION 1. IC 4-6-2-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) The attorney general has the same authority as a law enforcement agency (as defined in IC 35-47-15-2) to:**

(1) access (as defined in IC 35-43-2-3); and

(2) maintain;

information regarding a violation of IC 35-42-3.5-1 (human trafficking).

(b) The attorney general may assist with the investigation and prosecution of an alleged violation of IC 35-42-3.5-1 (human trafficking). However, the attorney general does not have the power to arrest or criminally prosecute individuals for a violation of IC 35-42-3.5-1.

SECTION 2. IC 35-31.5-2-183, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 183. **(a) "Law enforcement agency," for purposes of receiving information concerning a violation of IC 35-42-3.5-1 (human trafficking), means:**

(1) an agency or department of:

(A) the state; or

(B) a political subdivision of the state;

whose principal function is the apprehension of criminal offenders; and

(2) the attorney general.

(b) "Law enforcement agency", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

P.L.163-2014
[S.329. Approved March 26, 2014.]

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

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

SECTION 1. IC 25-20.2-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. "Home inspection" means a visual analysis for the purpose of providing a professional opinion of the condition of a residential dwelling and the dwelling's carports or garages, any reasonably accessible installed components, and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling, for the following components:

(1) Heating systems.
(2) Cooling systems.
(3) Electrical systems.
(4) Plumbing systems.
(5) Structural components.
(6) Foundations.
(7) Roof coverings.
(8) Exterior and interior components.
(9) Attic spaces.
(10) Basement or crawl space, if any.
~~(9)~~ **(11)** Any other site aspects that affect the residential dwelling.

The term does not include a code compliance inspection.

P.L.164-2014
[S.343. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.205-2013, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, **including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386)** that must be required for each person accepted for training at a law enforcement training school or academy. **Cultural diversity awareness study must include an understanding of cultural**

issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental

retardation, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

(1) An emergency situation.

(2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.
(4) Discipline.
(5) Department policy making.
(6) Lawful use of force.
(7) Department programs.
(8) Emergency vehicle operation.
(9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city;
(2) the police chief of any town having a metropolitan police department; and
(3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training

course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

(1) the agent successfully completes the pre-basic course established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

(1) the officer successfully completes the pre-basic course described in subsection (f); and

(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

SECTION 2. IC 5-2-8-1, AS AMENDED BY P.L.114-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following definitions apply in this section:

(1) "Abuse" means:

(A) conduct that causes bodily injury (as defined in IC 35-31.5-2-29) or damage to property; or

(B) a threat of conduct that would cause bodily injury (as defined in IC 35-31.5-2-29) or damage to property.

(2) "County law enforcement agency" includes:

(A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; and

(B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 or IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency

without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars ($100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse, **including the U nonimmigrant visa created under the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).**

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(19) Cultural diversity awareness that includes an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 3. IC 16-31-2-9, AS AMENDED BY SEA 227-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

(2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

(3) Training and certification standards for the administration of epinephrine through an auto-injector by an emergency medical technician.

(4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure

to nerve agents by an emergency medical technician or an emergency medical responder.

(5) Standards for distribution, administration, use, and training in the use of an overdose intervention drug.

(6) Protocols for persons who provide emergency medical services to notify law enforcement officials when services have been provided to an individual who has attempted to commit suicide and who has indicated that the attempt was due in part to bullying.

P.L.165-2014

[S.357. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning agriculture.

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

SECTION 1. IC 15-15-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13. Industrial Hemp

Sec. 0.5. The state seed commissioner shall administer this chapter.

Sec. 1. Nothing in this chapter authorizes any person to violate any federal law or regulation.

Sec. 2. As used in this chapter, "agricultural hemp seed" means Cannabis sativa seed that meets any labeling, quality, and other standards set by the state seed commissioner and that is intended for sale or is sold to, or purchased by, licensed growers for planting.

Sec. 3. As used in this chapter, "crop" means any industrial hemp grown under a single license.

Sec. 4. As used in this chapter, "grower" means:

(1) an individual, a partnership, a company, or a corporation that produces industrial hemp for commercial purposes; or

(2) a person, as part of an industrial hemp research program conducted by a state educational institution (as defined by IC 21-7-13-32).

Sec. 5. As used in this chapter, "handler" means an individual, a partnership, a company, or a corporation that receives industrial hemp for scientific research, or for processing into commodities, products, or agricultural hemp seed.

Sec. 6. As used in this chapter, "industrial hemp" means:

(1) all nonseed parts and varieties of the Cannabis sativa plant, whether growing or not, that contain a crop wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

(A) three-tenths of one percent (0.3%) on a dry weight basis; or

(B) the percent based on a dry weight basis determined by the federal Controlled Substances Act (21 U.S.C. 801 et seq.); or

(2) any Cannabis sativa seed that is:

(A) part of a growing crop;

(B) retained by a grower for future planting; or

(C) for processing into, or use as, agricultural hemp seed.

The term does not include industrial hemp commodities or products.

Sec. 7. (a) Subject to section 15 of this chapter, the production of, possession of, scientific study of, and commerce in industrial hemp is authorized in Indiana. Industrial hemp is an agricultural product that is subject to regulation by the state seed commissioner. The state seed commissioner shall adopt rules to oversee the licensing, production, and management of:

(1) industrial hemp; and

(2) agricultural hemp seed;

to ensure integrity of audits and security of field sites of each commodity.

(b) All growers and handlers must have an industrial hemp license issued by the state seed commissioner. Growers and handlers engaged in the production of agricultural hemp seed must also have an agricultural hemp seed production license.

(c) An application for an industrial hemp license or agricultural hemp seed production license must include the following:

(1) The name and address of the applicant.

(2) The name and address of the industrial hemp operation of the applicant.

(3) The global positioning system coordinates and legal description of the property used for the industrial hemp operation.

(4) If the industrial hemp license or agricultural hemp seed production license application is made by a grower, the acreage size of the field where the industrial hemp will be grown.

(5) A statement signed by the applicant, under penalty of perjury, that the person applying for the industrial hemp license or agricultural hemp seed production license has not been convicted of a drug related felony or misdemeanor in the previous ten (10) years.

(6) A written consent allowing the state police department to conduct a state or national criminal history background check.

(7) A written consent allowing the state police department, if a license is issued to the applicant, to enter the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant, and to ensure the plants meet the definition of industrial hemp as set forth in section 6 of this chapter. Not more than two (2) physical inspections may be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction.

(8) A nonrefundable application fee, which must include the amount necessary to conduct a state or national criminal history background check, in an amount determined by the state seed commissioner.

(9) Any other information required by the state seed commissioner.

Sec. 8. (a) Each license application received under this chapter must be processed as follows:

(1) Upon receipt of a license application, the state seed commissioner shall forward a copy of the application to the state police department. The state police department shall do the following:

(A) Perform a state or national criminal history background check of the applicant.

(B) Determine if the requirements under section 7(c)(5) of this chapter concerning prior criminal convictions have been met.

(C) Return the application to the state seed commissioner along with the state police department's determinations and a copy of the state or national criminal history background check.

(2) The state seed commissioner shall review the license application returned from the state police department.

(b) If the state seed commissioner determines that all the requirements under this chapter have been met and that a license should be granted to the applicant, the state seed commissioner shall approve the application for issuance of a license.

(c) An industrial hemp license or agricultural hemp seed production license is valid for a one (1) year term unless revoked. An industrial hemp license or agricultural hemp seed production license may be renewed in accordance with rules adopted by the state seed commissioner and is nontransferable.

Sec. 9. (a) An agricultural hemp seed production license issued under this chapter authorizes a grower or handler to produce and handle agricultural hemp seed for sale to licensed industrial hemp growers and handlers. A seller of agricultural hemp seed shall ensure that the seed complies with any standards set by the state seed commissioner. The state seed commissioner shall make available to growers information that identifies sellers of agricultural hemp seed.

(b) Subject to rules adopted by the state seed commissioner, a grower may retain seed from each industrial hemp crop to ensure a sufficient supply of seed for that grower for the following year. A grower does not need an agricultural hemp seed production license in order to retain seed for future planting. Seed retained by a grower may not be sold or transferred and is not required to

meet the state seed commissioner's agricultural hemp seed standards.

(c) All growers and handlers must keep records in accordance with rules adopted by the state seed commissioner. Upon at least three (3) days notice, the state seed commissioner may audit the required records during normal business hours. The state seed commissioner may conduct an audit for the purpose of ensuring compliance with:

(1) this chapter;

(2) rules adopted by the state seed commissioner; or

(3) industrial hemp license or agricultural hemp seed production license requirements, terms, and conditions.

(d) In addition to an audit conducted in accordance with subsection (c), the state seed commissioner may inspect independently, or in cooperation with the state police department, a federal law enforcement agency, or a local law enforcement agency, any industrial hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) three-tenths of one percent (0.3%) on a dry weight basis; or

(2) the percent based on a dry weight basis determined by the federal Controlled Substance Act (21 U.S.C. 801 et seq.);

the state seed commissioner may detain, seize, or embargo the crop.

Sec. 10. The amount of any fees charged growers and handlers by the state seed commissioner under this chapter must be sufficient to cover the cost of the administration of this chapter, including the cost of conducting audits and testing.

Sec. 11. Only an industrial hemp licensee, the licensee's designee, or the licensee's agents may be permitted to transport industrial hemp off a production site. When transporting industrial hemp off the production site, the industrial hemp licensee, designee, or agent shall have in the licensee's, designee's, or agent's possession the licensing documents from the state seed commissioner evidencing that the industrial hemp is from certified seed produced by a licensed grower.

Sec. 12. The state seed commissioner is responsible for the following:

(1) Monitoring the industrial hemp grown by any license holder.

(2) Conducting random testing of the industrial hemp for compliance with tetrahydrocannabinol (THC) levels.

(3) Establishing necessary testing criteria and protocols.

(4) Establishing the minimum number of acres to be planted under each license issued under this chapter.

Sec. 13. (a) In addition to any other liability or penalty provided by law, the state seed commissioner may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production license and may impose a civil penalty for a violation of:

(1) a license requirement;

(2) license terms or conditions; or

(3) a rule relating to growing or handling industrial hemp.

(b) The state seed commissioner may not impose a civil penalty under this section that exceeds two thousand five hundred dollars ($2,500).

(c) The state seed commissioner may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production license for a violation of any rule of the state seed commissioner that pertains to agricultural operations or activities other than industrial hemp growing or handling.

Sec. 14. The state seed commissioner shall adopt rules under IC 4-22-2 to implement and administer this chapter.

Sec. 15. (a) Notwithstanding any other law, the state seed commissioner may not grant any license until the state seed commissioner has secured any necessary permissions, waivers, or other form of legal status by the United States Drug Enforcement Agency or other appropriate federal agency concerning industrial hemp.

(b) The state seed commissioner shall apply for any necessary permissions, waivers, or other forms of legal status by the United States Drug Enforcement Agency or other appropriate federal agency that are necessary to implement this chapter before January 1, 2015.

(c) The state seed commissioner may not implement a waiver under this section until the state seed commissioner files an affidavit with the governor attesting that the federal permission or waiver applied for under this section is in effect. The state seed commissioner shall file the affidavit under this subsection not later than five (5) days after the state seed commissioner is notified that the waiver is approved.

(d) If the state seed commissioner receives a waiver permission under this section from all the appropriate federal agencies and the governor receives the affidavit filed under subsection (c), the state seed commissioner shall implement this chapter, subject to the terms and conditions of the permission or waiver received, not more than sixty (60) days after the governor receives the affidavit.

Sec. 16. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

(1) The employment of inspectors and seed analysts.

(2) Procuring samples.

(3) Printing bulletins giving the results of inspection.

(4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.

(c) The dean of agriculture of Purdue University shall make and submit a financial report to the governor in such form as the state board of accounts requires, showing the total receipts and expenditures of all fees received under this chapter.

(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

SECTION 2. IC 15-16-2-36, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

(1) the state chemist, under this chapter, IC 15-15-2, IC 15-16-4, and IC 15-19-7; and

(2) the state seed commissioner under IC 15-15-1 **and IC 15-15-13;**

shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

(b) On approval of the governor and the budget agency, the board of trustees may spend the excess funds for the construction, operation, rehabilitation, and repair of buildings, structures, or other facilities used for:

(1) carrying out the purposes of those chapters referred to in subsection (a) under which the fees are collected; or

(2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

SECTION 3. IC 35-48-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. **(a)** "Marijuana" means any part of the plant genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. ~~It~~

(b) The term does not include:

(1) the mature stalks of the plant;

(2) fiber produced from the stalks;

(3) oil or cake made from the seeds of the plant;

(4) any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom); ~~or~~

(5) the sterilized seed of the plant which is incapable of germination; **or**

(6) industrial hemp (as defined by IC 15-15-13-6).

SECTION 4. **An emergency is declared for this act.**

P.L.166-2014
[S.367. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-13-6-3, AS AMENDED BY P.L.89-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) All taxes collected by the county treasurer shall be deposited as one (1) fund in the several depositories selected for the deposit of county funds and, except as provided in subsection (b), remain in the depositories until distributed at the following semiannual distribution made by the county auditor.

(b) Every county treasurer who, by virtue of the treasurer's office, is the collector of any taxes for any political subdivision wholly or partly within the county shall, not later than thirty (30) days after receipt of a written request for funds filed with the treasurer by a proper officer of any political subdivision within the county, **provide to the county auditor the amount available for distribution, as certified for each semiannual distribution under IC 6-1.1-27-2. The county auditor shall** advance to that political subdivision a portion of the taxes collected before the semiannual distribution. The amount advanced may not exceed the lesser of:

(1) ninety-five percent (95%) of the total amount collected at the time of the advance; or

(2) ninety-five percent (95%) of the amount to be distributed at the semiannual distribution.

(c) Upon notice from the county treasurer of the amount to be advanced, the county auditor shall draw a warrant upon the county treasurer for the amount. The amount of the advance must be available immediately for the use of the political subdivision.

(d) At the semiannual distribution all the advances made to any political subdivision under subsection (b) shall be deducted from the total amount due any political subdivision as shown by the distribution.

(e) If a county auditor fails to make a distribution of tax collections by the deadline for distribution under subsection (b), a political subdivision that was to receive a distribution may recover interest on the undistributed tax collections under IC 6-1.1-27-1.

SECTION 2. IC 6-1.1-12-37, AS AMENDED BY SEA 24-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. *Except as provided in subsection (p),* the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) ~~do~~ **does** not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One

percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance shall adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on March 1 in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on March 1 in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license,

or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For ~~*assessments*~~ *assessment* dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of

residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

(A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or

(B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and

(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and

(B) cancels the deduction described in clause (A) for that property.

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.

~~(p)~~ **(q)** *This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.*

~~(q)~~ **(r)** *This subsection:*

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection ~~(p).~~ **(q).**

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach

a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. However, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 3. IC 6-1.1-18.5-13.7, AS ADDED BY P.L.172-2011, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.7. (a) Notwithstanding any other provision of this chapter, Fairfield Township in Tippecanoe County may request that the department of local government finance make an adjustment to the township's maximum permissible property tax levy. ~~The request by the township under this section must be filed before September 1, 2011.~~

(b) The amount of the requested adjustment may not exceed one hundred thirty thousand dollars ($130,000) for each year.

(c) ~~If the~~ **For a** township ~~makes~~ **that made** a request for an adjustment in an amount not exceeding the limit prescribed by subsection (b), the department of local government finance shall make the adjustment ~~each year (beginning with property taxes first due and payable in 2012)~~ **a permanent adjustment** to the township's maximum permissible ad valorem property tax levy. ~~for the number of years requested by the township (but not to exceed a total of four (4) years).~~

~~(d) This section expires July 1, 2016.~~

SECTION 4. IC 6-1.1-20.6-4, AS AMENDED BY P.L.288-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 4. As used in this chapter, "residential property" refers to real property that consists of any of the following:

(1) A single family dwelling that is not part of a homestead and the land, not exceeding one (1) acre, on which the dwelling is located.

(2) Real property that consists of:

(A) a building that includes two (2) or more dwelling units;

(B) any common areas shared by the dwelling units (including any land that is a common area, as described in section 1.2(b)(2) of this chapter); and

(C) the land on which the building is located.

(3) Land rented or leased for the placement of a manufactured home or mobile home, including any common areas shared by the manufactured homes or mobile homes.

The term includes a single family dwelling that is under construction and the land, not exceeding one (1) acre, on which the dwelling will be located. The term does not include real property that consists of a commercial hotel, motel, inn, tourist camp, or tourist cabin.

SECTION 5. IC 6-1.1-21.4-2, AS AMENDED BY P.L.145-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "eligible school corporation" refers to ~~either~~ **any** of the following:

(1) A school corporation located in a county in which distributions of property tax revenue for 2007 or 2008 to the taxing units (as defined in IC 6-1.1-1-21) of the county:

(A) have not been made; or

(B) were delayed by more than sixty (60) days after either due date specified in IC 6-1.1-22-9.

(2) A school corporation that is:

(A) designated by the distressed unit appeal board as a distressed political subdivision under IC 6-1.1-20.3; or

(B) approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3.

(3) A school corporation that had a loan from the counter-cyclical revenue and economic stabilization fund denied in October 2013. However, the school corporation is not an eligible school corporation if in 2014 the voters approve a referendum tax levy for the school corporation under IC 20-46-1.

SECTION 6. IC 6-1.1-21.4-3, AS AMENDED BY P.L.145-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An eligible school corporation may apply to the board for a loan from the counter-cyclical revenue and economic stabilization fund.

(b) Subject to subsections (c) and (d) and section 3.5 of this chapter, an eligible school corporation described in section 2(2) of this chapter may apply to the board for a loan. The maximum amount of a loan that the board may approve for the eligible school corporation is the lesser of the following:

(1) Five million dollars ($5,000,000).

(2) The product of:

(A) one thousand dollars ($1,000); multiplied by

(B) the school corporation's 2012 ADM.

(c) At the time the distressed unit appeal board designates a school corporation as a distressed political subdivision under IC 6-1.1-20.3 or recommends under IC 6-1.1-20.3-8.3 that a loan from the fund be approved for a school corporation, the distressed unit appeal board may also recommend to the state board of finance that a loan from the fund to the school corporation be contingent upon any of the following:

(1) The sale of specified unused property by the school board.

(2) The school corporation modifying one (1) or more specified contracts entered into by the school corporation.

(d) In making a loan from the fund to a school corporation, the state board of finance may make the loan contingent upon any condition recommended by the distressed unit appeal board under subsection (c).

(e) This subsection applies only to an eligible school corporation described in section 2(3) of this chapter. The board shall make the loan to the eligible school corporation. The following apply to a loan made under this subsection:

(1) The maximum amount of a loan set forth in subsection (b).

(2) Sections 3.5 through 7 of this chapter.

In addition, an eligible school corporation receiving a loan under this subsection shall sell any unimproved land owned by the eligible school corporation that on April 1, 2014, is not contiguous to the grounds of any school.

SECTION 7. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year in which a tax sale will be held in a county and not later than fifty-one (51) days after the first tax payment due date in that calendar year, the county treasurer (or county executive, in the case of property described in subdivision (2)) shall certify to the county auditor a list of real property on which any of the following exist:

(1) In the case of real property other than real property described in subdivision (2), any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10 and the delinquent property ~~tax or~~ **taxes,** special assessments, **penalties, fees, or interest** due exceed twenty-five dollars ($25).

(2) In the case of real property for which a county executive has certified to the county auditor that the real property is:

(A) vacant; or

(B) abandoned;

any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made. The executive of a city or town may provide to

the county executive of the county in which the city or town is located a list of real property that the city or town has determined to be vacant or abandoned. The county executive shall include real property included on the list provided by a city or town executive on the list certified by the county executive to the county auditor under this subsection.

(3) Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Except as provided in section 1.2 or another provision of this chapter, the taxpayer's property shall remain on the list. The list must:

(1) describe the real property by parcel number and common address, if any;

(2) for a tract or item of real property with a single owner, indicate the name of the owner; and

(3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 8. IC 6-1.1-24-1.2, AS AMENDED BY P.L.48-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 of this chapter before the tax sale unless all:

(1) delinquent taxes and special assessments due before the date the list on which the property appears was certified under section 1 of this chapter; and

(2) penalties due on the delinquency, interest, and costs directly attributable to the tax sale;

have been paid in full.

(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 of this chapter. However, a partial payment does not remove a tract or an item from the list certified under section 1 of this chapter unless the taxpayer complies with subsection (a) or (c) before the date of the tax sale.

(c) A county auditor shall remove a tract or an item of real property from the list certified under section 1 of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county auditor shall remove the tract or item from the list certified under section 1 of this chapter if:

(1) the arrangement described in subsection (c):

(A) is in writing;

(B) is signed by the taxpayer; and

(C) requires the taxpayer to pay the delinquent taxes in full not later than the last business day before July 1 of the year after the date the agreement is signed; and

(2) the county treasurer has provided a copy of the written agreement to the county auditor.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c):

(1) the arrangement is void; and

(2) the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

(f) ~~If the county auditor acts under subsection (c) with respect to a tract or item subject to an arrangement described in subsection (c), the taxpayer may not enter into another arrangement under subsection (c) with respect to that tract or item after the due date of the payment referred to in subsection (d) and before the date that succeeds by five (5) years the date on which the original arrangement would have expired if the arrangement had not become void under subsection (c).~~ **If a taxpayer fails to make a payment under an arrangement entered into under subsection (c), the county treasurer and the taxpayer may enter into a subsequent arrangement and avoid the penalties under subsection (e).**

SECTION 9. IC 6-2.5-2-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3. (a) As used in this section, "motor vehicle" means a vehicle that would be subject to the annual license excise tax imposed under IC 6-6-5 if the vehicle were to be used in Indiana.**

(b) Notwithstanding section 2 of this chapter, the state gross retail tax rate on a motor vehicle that a purchaser intends to:

(1) transport to a destination outside Indiana within thirty (30) days after delivery; and

(2) title or register for use in another state or country;

is the rate of that state or country (excluding any locally imposed tax rates) as certified by the seller and purchaser in an affidavit satisfying the requirements of subsection (c).

(c) The department of state revenue shall prescribe the form of the affidavit required by subsection (b). In addition to the certification required by subsection (b), the affidavit must include the following:

(1) The name of the state or country in which the motor vehicle will be titled or registered.

(2) An affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.

(3) Any other information required by the department of state revenue for the purpose of verifying the information contained in the affidavit.

(d) The department may audit affidavits submitted under this section and make a proposed assessment of the amount of unpaid tax due with respect to any incorrect information submitted in an affidavit required by this section.

SECTION 10. IC 6-2.5-5-46, AS AMENDED BY P.L.288-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 46. (a) Transactions involving tangible personal property (including materials, parts, equipment, and engines) are exempt from the state gross retail tax, if the property is:

(1) used;

(2) consumed; or

(3) installed;

in furtherance of, or in, the repair, maintenance, refurbishment, remodeling, or remanufacturing of an aircraft or an avionics system of an aircraft.

(b) The exemption provided by this section applies to a transaction only if:

(1) the retail merchant, at the time of the transaction, possesses a valid repair station certificate issued by the Federal Aviation Administration under 14 CFR 145 et seq. or other applicable law or regulation; **or**

(2) the:

(A) retail merchant has leased a facility at a public use airport for the maintenance of aircraft and meets the public use airport owner's minimum standards for an aircraft maintenance facility; and

(B) work is performed by a mechanic who is certified by the Federal Aviation Administration.

(c) The owner of a public use airport shall annually provide to the department the names of retail merchants that have a lease with the public use airport and that perform aircraft maintenance at the public use airport.

SECTION 11. IC 6-3.1-9-1, AS AMENDED BY P.L.1-2007, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this chapter, "authority" means the Indiana housing and community development authority established by IC 5-20-1-3.

(b) As used in this chapter, "business firm" means any business entity authorized to do business in the state of Indiana that has state tax liability.

(c) As used in this chapter, "community services" means any type of:

(1) counseling and advice;

(2) emergency assistance;

(3) medical care;

(4) recreational facilities;

(5) housing facilities; or

(6) economic development assistance;

provided to individuals, economically disadvantaged households, groups, or neighborhood organizations in an economically

disadvantaged area **or provided to individuals who are ex-offenders who have completed the individuals' criminal sentences or are serving a term of probation or parole.**

(d) As used in this chapter, "crime prevention" means any activity which aids in the reduction of crime in an economically disadvantaged area or an economically disadvantaged household.

(e) As used in this chapter, "economically disadvantaged area" means an enterprise zone, or any other federally or locally designated economically disadvantaged area in Indiana. The certification shall be made on the basis of current indices of social and economic conditions, which shall include but not be limited to the median per capita income of the area in relation to the median per capita income of the state or standard metropolitan statistical area in which the area is located.

(f) As used in this chapter, "economically disadvantaged household" means a household with an annual income that is at or below eighty percent (80%) of the area median income or any other federally designated target population.

(g) As used in this chapter, "education" means any type of scholastic instruction or scholarship assistance to an individual who:

(1) resides in an economically disadvantaged area; **or**

(2) is an ex-offender who has completed the individual's criminal sentence or is serving a term of probation or parole;

that enables the individual to prepare for better life opportunities.

(h) As used in this chapter, "enterprise zone" means an enterprise zone created under IC 5-28-15.

(i) As used in this chapter, "job training" means any type of instruction to an individual who:

(1) resides in:

~~(1)~~ **(A)** an economically disadvantaged area; or

~~(2)~~ **(B)** an economically disadvantaged household; **or**

(2) is an ex-offender who has completed the individual's criminal sentence or is serving a term of probation or parole;

that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment.

(j) As used in this chapter, "neighborhood assistance" means either:

(1) furnishing financial assistance, labor, material, and technical advice to aid in the physical or economic improvement of any part or all of an economically disadvantaged area; or

(2) furnishing technical advice to promote higher employment in any neighborhood in Indiana.

(k) As used in this chapter, "neighborhood organization" means any organization, including but not limited to a nonprofit development corporation doing both of the following:

(1) Performing community services:

(A) in an economically disadvantaged area; ~~or~~

(B) for an economically disadvantaged household; **or**

(C) for individuals who are ex-offenders who have completed the individuals' criminal sentences or are serving a term of probation or parole.

(2) Holding a ruling:

(A) from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code; and

(B) from the department of state revenue that the organization is exempt from income taxation under IC 6-2.5-5-21.

(l) As used in this chapter, "person" means any individual subject to Indiana gross or adjusted gross income tax.

(m) As used in this chapter, "state fiscal year" means a twelve (12) month period beginning on July 1 and ending on June 30.

(n) As used in this chapter, "state tax liability" means the taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax); and

(2) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this chapter.

(o) As used in this chapter, "tax credit" means a deduction from any tax otherwise due and payable under IC 6-3 or IC 6-5.5.

SECTION 12. IC 6-3.1-9-2, AS AMENDED BY P.L.1-2007, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A business firm or a person who contributes

to a neighborhood organization that engages in the activities of providing:

(1) neighborhood assistance, job training, or education for individuals not employed by the business firm or person; ~~or for~~

(2) community services or crime prevention in an economically disadvantaged area; **or**

(3) community services, education, or job training services to individuals who are ex-offenders who have completed the individuals' criminal sentences or are serving a term of probation or parole;

shall receive a tax credit as provided in section 3 of this chapter if the authority approves the proposal of the business firm or person, setting forth the program to be conducted, the area selected, the estimated amount to be invested in the program, and the plans for implementing the program.

(b) The authority, after consultation with the community services agency and the commissioner of revenue, may adopt rules for the approval or disapproval of these proposals.

SECTION 13. IC 6-3.1-11-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 24. (a) If a pass through entity does not have state income tax liability against which the tax credit provided by this chapter may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:**

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

(b) The credit provided under subsection (a) is in addition to a tax credit to which a shareholder, partner, or member of a pass through entity is otherwise entitled under this chapter.

SECTION 14. IC 6-3.1-16-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. The definitions set forth in:~~

~~(1) IC 14-8-2 that apply to IC 14-21-1; and~~

~~(2) IC 14-21-1;~~

~~apply throughout this chapter.~~

SECTION 15. IC 6-3.1-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. As used in this chapter, ~~"division"~~ **"office"** means the ~~division of historic preservation and archaeology of the department of natural resources.~~ **office of community and rural affairs established by IC 4-4-9.7-4.**

SECTION 16. IC 6-3.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Subject to section 14 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

(1) the taxpayer makes for the preservation or rehabilitation of historic property; and

(2) are approved by the ~~division.~~ **office.**

(c) In the case of a husband and wife who:

(1) own and rehabilitate a historic property jointly; and

(2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

SECTION 17. IC 6-3.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** A taxpayer qualifies for a credit under section 7 of this chapter if all of the following conditions are met:

(1) The historic property is:

(A) located in Indiana;

(B) at least fifty (50) years old; and

(C) except as provided in section 7(c) of this chapter, owned by the taxpayer.

(2) The ~~division~~ **office** certifies that the historic property is listed in the register of Indiana historic sites and historic structures.

(3) The ~~division~~ **office** certifies that the taxpayer submitted a proposed preservation or rehabilitation plan to the ~~division~~ **office** that complies with the standards of the ~~division.~~ **office.**

(4) The ~~division~~ **office** certifies that the preservation or rehabilitation work that is the subject of the credit substantially complies with the proposed plan referred to in subdivision (3).

(5) The preservation or rehabilitation work is completed in not more than:

(A) two (2) years; or

(B) five (5) years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases.

The time in which work must be completed begins when the physical work of construction or destruction in preparation for construction begins.

(6) The historic property is:

(A) actively used in a trade or business;

(B) held for the production of income; or

(C) held for the rental or other use in the ordinary course of the taxpayer's trade or business.

(7) The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars ($10,000).

(b) The division of historic preservation and archaeology of the department of natural resources shall assist the office, as requested and at no expense to the office, in making the certifications under this section.

SECTION 18. IC 6-3.1-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The ~~division~~ **office** shall provide the certifications referred to in section 8(3) and 8(4) of this chapter if a taxpayer's proposed preservation or rehabilitation plan complies with the standards of the ~~division~~ **office** and the taxpayer's preservation or rehabilitation work complies with the plan.

(b) The taxpayer may appeal a ~~decision~~ **final determination** by the ~~division~~ **office** under this chapter to the ~~review board.~~ **tax court.**

SECTION 19. IC 6-3.1-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue the certifications by the ~~division~~ **office** required under section 8 of this chapter and all information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter.

SECTION 20. IC 6-3.1-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. (a) A credit claimed under this chapter shall be recaptured from the taxpayer if:

(1) the property is transferred less than five (5) years after completion of the certified preservation or rehabilitation work; or

(2) less than five (5) years after completion of the certified preservation or rehabilitation, additional modifications to the property are undertaken that do not meet the standards of the ~~division.~~ **office.**

(b) If the recapture of a credit is required under this section, an amount equal to the credit recaptured shall be added to the tax liability of the taxpayer for the taxable year during which the credit is recaptured.

SECTION 21. IC 6-3.1-16-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. **(a)** The following may adopt rules under IC 4-22-2 to carry out this chapter:

(1) The department of state revenue.

(2) The ~~division.~~ **office.**

(b) The rules in 312 IAC 23 are transferred to the office, and after December 31, 2014, those rules are treated as if they had been adopted by the office.

SECTION 22. IC 6-3.1-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. As used in this chapter, ~~"earned~~ **"Indiana** income" means the ~~sum of the:~~

~~(1) wages, salaries, tips, and other employee compensation; and~~

~~(2) net earnings from self-employment (as computed under Section 32(c)(2) of the Internal Revenue Code);~~

adjusted gross income of an individual taxpayer, and the individual's spouse, if the individual files a joint adjusted gross income tax return.

SECTION 23. IC 6-3.1-20-4, AS AMENDED BY P.L.13-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as provided in subsection (b), an individual is entitled to a credit under this chapter if:

(1) the individual's ~~earned~~ **Indiana** income for the taxable year is less than eighteen thousand six hundred dollars ($18,600); and

(2) the individual pays property taxes in the taxable year on a homestead that:

(A) the individual:

(i) owns; or

(ii) is buying under a contract that requires the individual to pay property taxes on the homestead, if the contract or a memorandum of the contract is recorded in the county recorder's office; and

(B) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) An individual is not entitled to a credit under this chapter for a taxable year for property taxes paid on the individual's homestead if the individual claims the deduction under IC 6-3-1-3.5(a)(15) for the homestead for that same taxable year.

SECTION 24. IC 6-3.1-20-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Each year, an individual described in section 4 of this chapter is entitled to a refundable credit against the individual's state income tax liability in the amount determined under this section.

(b) In the case of an individual with ~~earned~~ **Indiana** income of less than eighteen thousand dollars ($18,000) for the taxable year, the amount of the credit is equal to the lesser of:

(1) three hundred dollars ($300); or

(2) the amount of property taxes described in section 4(a)(2) of this chapter paid by the individual in the taxable year.

(c) In the case of an individual with ~~earned~~ **Indiana** income that is at least eighteen thousand dollars ($18,000) but less than eighteen thousand six hundred dollars ($18,600) for the taxable year, the amount of the credit is equal to the lesser of the following:

(1) An amount determined under the following STEPS:

STEP ONE: Determine the result of:

(i) eighteen thousand six hundred dollars ($18,600); minus

(ii) the individual's ~~earned~~ **Indiana** income for the taxable year.

STEP TWO: Determine the result of:

(i) the STEP ONE amount; multiplied by

(ii) five-tenths (0.5).

(2) The amount of property taxes described in section 4(a)(2) of this chapter paid by the individual in the taxable year.

(d) If the amount of the credit under this chapter exceeds the individual's state tax liability for the taxable year, the excess shall be refunded to the taxpayer.

SECTION 25. IC 6-3.1-20-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The department shall before July 1 of each year determine **the greater of:**

(1) eight million five hundred thousand dollars ($8,500,000); or

(2) the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(b) **Except as provided in subsection (d),** one-half (1/2) of the amount determined by the department under subsection (a) shall be:

(1) deducted during the year from the riverboat admissions tax revenue otherwise payable to the county under IC 4-33-12-6(d)(2); and

(2) paid instead to the state general fund.

(c) **Except as provided in subsection (d),** one-sixth (1/6) of the amount determined by the department under subsection (a) shall be:

(1) deducted during the year from the riverboat admissions tax revenue otherwise payable under IC 4-33-12-6(d)(1) to each of the following:

(A) The largest city by population located in the county.

(B) The second largest city by population located in the county.

(C) The third largest city by population located in the county; and

(2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection (a)(2) is less than eight million five hundred thousand dollars ($8,500,000), the difference of:

(1) eight million five hundred thousand dollars ($8,500,000); minus

(2) the amount determined by the department under subsection (a)(2);

shall be paid to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish

or improve public mass rail transportation systems in Lake County.

SECTION 26. IC 6-3.1-22-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. The definitions set forth in:~~

~~(1) IC 14-8-2 that apply to IC 14-21-1; and~~

~~(2) IC 14-21-1;~~

~~apply throughout this chapter.~~

SECTION 27. IC 6-3.1-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. As used in this chapter, ~~"division"~~ **"office"** means the ~~division of historic preservation and archeology of the department of natural resources.~~ **office of community and rural affairs established by IC 4-4-9.7-4.**

SECTION 28. IC 6-3.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Subject to section 14 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 9 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

(1) the taxpayer makes for the preservation or rehabilitation of historic property; and

(2) are approved by the ~~division.~~ **office.**

(c) In the case of a husband and wife who:

(1) own and rehabilitate a historic property jointly; and

(2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

SECTION 29. IC 6-3.1-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. **(a)** A taxpayer qualifies for a credit under section 8 of this chapter if all of the following conditions are met:

(1) The historic property is:

(A) located in Indiana;

(B) at least fifty (50) years old; and

(C) except as provided in section 8(c) of this chapter, owned by the taxpayer.

(2) The ~~division~~ **office** certifies that the historic property is listed in the register of Indiana historic sites and historic structures.

(3) The ~~division~~ **office** certifies that the taxpayer submitted a proposed preservation or rehabilitation plan to the ~~division~~ **office** that complies with the standards of the ~~division.~~ **office.**

(4) The ~~division~~ **office** certifies that the preservation or rehabilitation work that is the subject of the credit substantially complies with the proposed plan referred to in subdivision (3).

(5) The preservation or rehabilitation work is completed in not more than:

(A) two (2) years; or

(B) five (5) years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases.

The time in which work must be completed begins when the physical work of construction or destruction in preparation for construction begins.

(6) The historic property is principally used and occupied by the taxpayer as the taxpayer's residence.

(7) The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars ($10,000).

(b) The division of historic preservation and archaeology of the department of natural resources shall assist the office, as requested and at no expense to the office, in making the certifications under this section.

SECTION 30. IC 6-3.1-22-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) The ~~division~~ **office** shall provide the certifications referred to in section 9(3) and 9(4) of this chapter if a taxpayer's proposed preservation or rehabilitation plan complies with the standards of the ~~division~~ **office** and the taxpayer's preservation or rehabilitation work complies with the plan.

(b) The taxpayer may appeal a ~~decision~~ **final determination** by the ~~division~~ **office** under this chapter to the ~~review board.~~ **tax court.**

SECTION 31. IC 6-3.1-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed

by the department of state revenue. The taxpayer shall submit to the department of state revenue the certifications by the ~~division~~ **office** required under section 9 of this chapter and all information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter.

SECTION 32. IC 6-3.1-22-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. (a) A credit claimed under this chapter shall be recaptured from the taxpayer if:

(1) the property is transferred less than five (5) years after completion of the certified preservation or rehabilitation work; or

(2) less than five (5) years after completion of the certified preservation or rehabilitation, additional modifications to the property are undertaken that do not meet the standards of the ~~division.~~ **office.**

(b) If the recapture of a credit is required under this section, an amount equal to the credit recaptured shall be added to the tax liability of the taxpayer for the taxable year during which the credit is recaptured.

SECTION 33. IC 6-7-1-37 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 37. (a) All reports required to be filed under this chapter must be filed in an electronic format prescribed by the department.**

(b) All taxes required to be remitted under this chapter must be remitted in an electronic format prescribed by the department.

SECTION 34. IC 6-7-2-12, AS AMENDED BY P.L.172-2011, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Before the fifteenth day of each month, each distributor liable for the tax imposed by this chapter shall:

(1) file a return with the department that includes all information required by the department including, but not limited to:

(A) name of distributor;

(B) address of distributor;

(C) license number of distributor;

(D) invoice date;

(E) invoice number;

(F) name and address of person from whom tobacco products were purchased or name and address of person to whom tobacco products were sold;

(G) the wholesale price for tobacco products other than moist snuff; and

(H) for moist snuff, the weight of the moist snuff; and

(2) pay the tax for which it is liable under this chapter for the preceding month minus the amount specified in section 13 of this chapter.

All returns required to be filed and taxes required to be paid under this chapter must be made in an electronic format prescribed by the department.

SECTION 35. IC 6-9-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) When the tax is levied under section 3 of this chapter, there is created a seven (7) member visitor and convention commission (referred to as the commission in this chapter) to promote the development and growth of the convention and visitor industry in the county.

(b) The executive of the city with the largest population in the county shall appoint five (5) members of the commission as follows:

(1) Two (2) members must be engaged in the lodging business in the county.

(2) Two (2) members must be engaged in business in the county.

(3) One (1) member must be engaged in the ~~travel business in the county.~~ **tourism and hospitality industry.**

(c) The county fiscal body shall appoint two (2) members of the commission. Each member must be engaged in business in the county.

(d) All terms of office of commission members begin on January 1. Members of the commission serve terms of two (2) years. A member whose term expires may be reappointed to serve another term. If an initial appointment is not made by February 1 or a vacancy is not filled within thirty (30) days, the commission shall appoint a member by majority vote to serve for the remainder of the term.

(e) A member of the commission may be removed for cause by his appointing authority.

(f) Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

(g) Each commission member, before taking office, shall take an oath of office in the usual form, to be endorsed upon the member's certificate of appointment and promptly filed with the clerk of the circuit court of the county.

(h) The commission shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

SECTION 36. IC 7.1-4-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. ~~Filing of Returns.~~ A person who is liable for the payment of an excise tax levied by this title shall file a monthly return with the department on or before the twentieth day of the month following the month in which the liability for the tax accrues by reason of the manufacture, sale, gift, or the withdrawal for sale or gift, of alcoholic beverages within this state. **The return must be filed in an electronic format as prescribed by the department.** Payment of the excise tax due shall accompany the return, **and shall be remitted electronically. Any other returns or forms required to be filed under this title must also be filed in an electronic format and on a date prescribed by the department.**

SECTION 37. IC 8-22-3-11, AS AMENDED BY P.L.139-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a)** The board may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

(1) As a municipal corporation, to sue and be sued in its own name.

(2) To have all the powers and duties conferred by statute upon boards of aviation commissioners. The board supersedes all boards of aviation commissioners within the district. The board has exclusive jurisdiction within the district.

(3) To protect all property owned or managed by the board.

(4) To adopt an annual budget and levy taxes in accordance with this chapter.

(A) The board may not levy taxes on property in excess of the ~~following, rate schedule,~~ **tax rate specified in subsection (b),** except as provided in sections 17 and 25 of this chapter.

~~Total Assessed Property Valuation~~	~~Rate Per $100 Of Assessed Valuation~~
~~$300 million or less~~	~~$0.10~~
~~More than $300 million but not more than $450 million~~	~~$0.0833~~
~~More than $450 million but not more than $600 million~~	~~$0.0667~~
~~More than $600 million but not more than $900 million~~	~~$0.05~~
~~More than $900 million~~	~~$0.0333~~

(B) Clause (A) ~~does~~ **and subsection (b) do** not apply to an authority that was established under IC 19-6-2 or IC 19-6-3 (before their repeal on April 1, 1980).

(C) The board of an authority that was established under IC 19-6-3 (before its repeal on April 1, 1980) may levy taxes on property not in excess of six and sixty-seven hundredths cents ($0.0667) on each one hundred dollars ($100) of assessed valuation.

(5) To incur indebtedness in the name of the authority in accordance with this chapter.

(6) To adopt administrative procedures, rules, and regulations.

(7) To acquire property, real, personal, or mixed, by deed, purchase, lease, condemnation, or otherwise and dispose of it for use or in connection with or for administrative purposes of the airport; to receive gifts, donations, bequests, and public trusts and to agree to conditions and terms accompanying them and to bind the authority to carry them out; to receive and administer federal or state aid; and to erect buildings or structures that may be needed to administer and carry out this chapter.

(8) To determine matters of policy regarding internal organization and operating procedures not specifically provided for otherwise.

(9) To adopt a schedule of reasonable charges and to collect them from all users of facilities and services within the district.

(10) To purchase supplies, materials, and equipment to carry out the duties and functions of the board in accordance with procedures adopted by the board.
(11) To employ personnel that are necessary to carry out the duties, functions, and powers of the board.
(12) To establish an employee pension plan. The board may, upon due investigation, authorize and begin a fair and reasonable pension or retirement plan and program for personnel, the cost to be borne by either the authority or by the employee or by both, as the board determines. If the authority was established under IC 19-6-2 (before its repeal on April 1, 1980), the entire cost must be borne by the authority, and ordinances creating the plan or making changes in it must be approved by the mayor of the city. The plan may be administered and funded by a trust fund or by insurance purchased from an insurance company licensed to do business in Indiana or by a combination of them. The board may also include in the plan provisions for life insurance, disability insurance, or both.
(13) To sell surplus real or personal property in accordance with law. If the board negotiates an agreement to sell trees situated in woods or forest areas owned by the board, the trees are considered to be personal property of the board for severance or sale.
(14) To adopt and use a seal.
(15) To acquire, establish, construct, improve, equip, maintain, control, lease, and regulate municipal airports, landing fields, and other air navigation facilities, either inside or outside the district; to acquire by lease (with or without the option to purchase) airports, landing fields, or navigation facilities, and any structures, equipment, or related improvements; and to erect, install, construct, and maintain at the airport or airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public. The Indiana department of transportation must grant its approval before land may be purchased for the establishment of an airport or landing field and before an airport or landing field may be established.
(16) To fix and determine exclusively the uses to which the airport lands may be put, including land use planning and zoning. All uses must be necessary or desirable to the airport or the

aviation industry and must be compatible with the uses of the surrounding lands as far as practicable. The jurisdiction granted under this subdivision is superior to that of any other local government unit or entity with respect to airport lands.

(17) To elect a secretary from its membership, or to employ a secretary, an airport director, superintendents, managers, a treasurer, engineers, surveyors, attorneys, clerks, guards, mechanics, laborers, and all employees the board considers expedient, and to prescribe and assign their respective duties and authorities and to fix and regulate the compensation to be paid to the persons employed by it in accordance with the authority's appropriations. All employees shall be selected irrespective of their political affiliations.

(18) To make all rules and regulations, consistent with laws regarding air commerce, for the management and control of its airports, landing fields, air navigation facilities, and other property under its control.

(19) To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field.

(20) To manage and operate airports, landing fields, and other air navigation facilities acquired or maintained by an authority; to lease all or part of an airport, landing field, or any buildings or other structures, and to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; and to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, its own employees, or otherwise. Contracts for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding fifteen (15) years and may be extended for similar terms of years. However, the airport, including all or part of its land, facilities, or structures, may be leased for any use

connected with the operation and convenience of the airport for an initial term not exceeding forty (40) years and may be extended for a period not to exceed ten (10) years. If a person whose character, experience, and financial responsibility have been determined satisfactory by the board offers to erect a permanent structure that facilitates and is consistent with the operation, use, and purpose of the airport on land belonging to the airport, a lease may be entered into for a period not to exceed ninety-nine (99) years. However, the board must pass an ordinance to enter into such a lease. The board may not grant an exclusive right for the use of a landing area under its jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this chapter. All contracts, and leases, are subject to restrictions and conditions that the board prescribes. The authority may lease its property and facilities for any commercial or industrial use it considers necessary and proper, including the use of providing airport motel facilities. For the airport authority established by the city of Gary, the board may approve a lease, management agreement, or other contract:

(A) with a person:

(i) who is selected by the board using the procedures under IC 36-1-9.5; and

(ii) whose character, experience, and financial responsibility have been determined satisfactory by the board; and

(B) to use, plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance all or any part of the airport and its landing fields, air navigation facilities, and other buildings and structures for a period not to exceed ninety-nine (99) years. However, the board must pass an ordinance to enter into such a lease, management agreement, or other contract. All contracts, leases, and management agreements are subject to restrictions and conditions that the board prescribes. The authority may lease its property and facilities for any commercial or industrial use it considers necessary and proper, including the use of providing airport motel facilities. A lease, management agreement, or other contract entered into under

this section or any other provision of this chapter may be entered into without complying with IC 5-23.

(21) To sell machinery, equipment, or material that is not required for aviation purposes. The proceeds shall be deposited with the treasurer of the authority.

(22) To negotiate and execute contracts for sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control and operation. However, whenever the board determines to sell part or all of aviation lands, buildings, or improvements owned by the authority, the sale must be in accordance with law.

(23) To vacate all or parts of roads, highways, streets, or alleys, whether inside or outside the district, in the manner provided by statute.

(24) To annex lands to itself if the lands are owned by the authority or are streets, roads, or other public ways.

(25) To approve any state, county, city, or other highway, road, street or other public way, railroad, power line, or other right-of-way to be laid out or opened across an airport or in such proximity as to affect the safe operation of the airport.

(26) To construct drainage and sanitary sewers with connections and outlets as are necessary for the proper drainage and maintenance of an airport or landing field acquired or maintained under this chapter, including the necessary buildings and improvements and for the public use of them in the same manner that the authority may construct sewers and drains. However, with respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the board shall proceed in the same manner as private owners of property and may institute proceedings and negotiate with the departments, bodies, and officers of an eligible entity to secure the proper orders and approvals; and to order a public utility or public service corporation or other person to remove or to install in underground conduits wires, cables, and power lines passing through or over the airport or landing field or along the borders or within a reasonable distance that may be determined to be necessary for the safety of operations, upon payment to the utility

or other person of due compensation for the expense of the removal or reinstallation. The board must consent before any franchise may be granted by state or local authorities for the construction of or maintenance of railway, telephone, telegraph, electric power, pipe, or conduit line upon, over, or through land under the control of the board or within a reasonable distance of land that is necessary for the safety of operation. The board must also consent before overhead electric power lines carrying a voltage of more than four thousand four hundred (4,400) volts and having poles, standards, or supports over thirty (30) feet in height within one-half (1/2) mile of a landing area acquired or maintained under this chapter may be installed.

(27) To contract with any other state agency or instrumentality or any political subdivision for the rendition of services, the rental or use of equipment or facilities, or the joint purchase and use of equipment or facilities that are necessary for the operation, maintenance, or construction of an airport operated under this chapter.

(28) To provide air transportation in furtherance of the duties and responsibilities of the board.

(29) To promote or encourage aviation-related trade or commerce at the airports that it operates.

(30) To provide aviation services to public use airports within or outside Indiana either directly or through an affiliate entity established by the board.

(b) Except as provided in sections 17 and 25 of this chapter, a board may impose a tax rate that does not exceed the following:

(1) If the total assessed valuation is three hundred million dollars ($300,000,000) or less, a tax rate of ten cents ($0.10) per one hundred dollars ($100) of assessed valuation.

(2) If the total assessed valuation is more than three hundred million dollars ($300,000,000) but not more than four hundred fifty million dollars ($450,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) three hundred thousand dollars ($300,000); plus

(B) the amount that would be raised by applying a tax rate of eight and thirty-three hundredths cents ($0.0833) (as adjusted under IC 6-1.1-18-12) per one hundred dollars

($100) of assessed valuation that exceeds three hundred million dollars ($300,000,000).

(3) If the total assessed valuation is more than four hundred fifty million dollars ($450,000,000) but not more than six hundred million dollars ($600,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) three hundred seventy-four thousand eight hundred fifty dollars ($374,850); plus

(B) the amount that would be raised by applying a tax rate of six and sixty-seven hundredths cents ($0.0667) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of assessed valuation that exceeds four hundred fifty million dollars ($450,000,000).

(4) If the total assessed valuation is more than six hundred million dollars ($600,000,000) but not more than nine hundred million dollars ($900,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) four hundred thousand two hundred dollars ($400,200); plus

(B) the amount that would be raised by applying a tax rate of five cents ($0.05) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of assessed valuation that exceeds six hundred million dollars ($600,000,000).

(5) If the total assessed valuation is more than nine hundred million dollars ($900,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) four hundred fifty thousand dollars ($450,000); plus

(B) the amount that would be raised by applying a tax rate of three and thirty-three hundredths cents ($0.0333) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of assessed valuation that exceeds nine hundred million dollars ($900,000,000).

SECTION 38. IC 8-22-3-25, AS AMENDED BY P.L.139-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) Subject to subsection (c), the board may provide a cumulative building fund in compliance with IC 6-1.1-41 to provide for the acquisition of real property, and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings, structures, runways, or other facilities for use in

connection with the airport needed to carry out this chapter and to facilitate and support commercial air transportation.

(b) The board may levy in compliance with IC 6-1.1-41 a tax not to exceed:

(1) thirty-three hundredths of one cent ($0.0033) on each one hundred dollars ($100) of assessed value of taxable property within the district, if an eligible entity other than a city established the district or if the district was established jointly with an eligible entity that is not a city;

(2) one and thirty-three hundredths cents ($0.0133) on each one hundred dollars ($100) of assessed value of taxable property within the district, if the authority was established under IC 19-6-3 (before its repeal on April 1, 1980); and

(3) for any other district not described in subdivision (1) or (2), the ~~following:~~ **tax rate specified in subsection (c).**

~~Total Assessed Property Valuation~~	~~Rate Per $100 Of Assessed Valuation~~
~~$300 million or less~~	~~$0.0167~~
~~More than $300 million but not more than $450 million~~	~~$0.0133~~
~~More than $450 million but not more than $600 million~~	~~$0.01~~
~~More than $600 million but not more than $900 million~~	~~$0.0067~~
~~More than $900 million~~	~~$0.0033~~

As the tax is collected it may be invested in negotiable United States bonds or other securities that the federal government has the direct obligation to pay. Any of the funds collected that are not invested in government obligations shall be deposited in accordance with IC 5-13-6 and shall be withdrawn in the same manner as money is regularly withdrawn from the general fund but without further or additional appropriation. The levy authorized by this section is in addition to the levies authorized by section 11 and section 23 of this chapter.

(c) For any district not described in subsection (b)(1) or (b)(2), the board may impose a tax rate that does not exceed the following:

(1) If the total assessed valuation is three hundred million dollars ($300,000,000) or less, a tax rate of one and sixty-seven

hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation.

(2) If the total assessed valuation is more than three hundred million dollars ($300,000,000) but not more than four hundred fifty million dollars ($450,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) fifty thousand one hundred dollars ($50,100); plus

(B) the amount that would be raised by applying a tax rate of one and thirty-three hundredths cents ($0.0133) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of assessed valuation that exceeds three hundred million dollars ($300,000,000).

(3) If the total assessed valuation is more than four hundred fifty million dollars ($450,000,000) but not more than six hundred million dollars ($600,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) fifty-nine thousand eight hundred fifty dollars ($59,850); plus

(B) the amount that would be raised by applying a tax rate of one cent ($0.01) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of assessed valuation that exceeds four hundred fifty million dollars ($450,000,000).

(4) If the total assessed valuation is more than six hundred million dollars ($600,000,000) but not more than nine hundred million dollars ($900,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) sixty thousand dollars ($60,000); plus

(B) the amount that would be raised by applying a tax rate of sixty-seven hundredths of a cent ($0.0067) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of assessed valuation that exceeds six hundred million dollars ($600,000,000).

(5) If the total assessed valuation is more than nine hundred million dollars ($900,000,000), the tax rate necessary to raise property tax revenue equal to the sum of:

(A) sixty thousand three hundred dollars ($60,300); plus

(B) the amount that would be raised by applying a tax rate of thirty-three hundredths of a cent ($0.0033) (as adjusted under IC 6-1.1-18-12) per one hundred dollars ($100) of

assessed valuation that exceeds nine hundred million dollars ($900,000,000).

~~(c)~~ **(d)** Spending under subsection (a) to facilitate and support commercial intrastate air transportation is subject to a maximum of one million dollars ($1,000,000) cumulatively for all years in which money is spent under that subsection.

SECTION 39. IC 8-22-3-31, AS AMENDED BY P.L.182-2009(ss), SECTION 270, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The authority, acting by and through its board under IC 8-21-8, may accept, receive, and receipt for federal, other public, or private monies for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, other air navigation facilities, and sites for them, and comply with federal laws made for the expenditure of federal monies upon airports and other air navigation facilities.

(b) Subject to IC 8-21-8, the board has exclusive power to submit to the proper state and federal agencies applications for grants of funds for airport development and to make or execute representations, assurances and contracts, to enter into covenants and agreements with state or federal agency or agencies relative to the development of an airport, and to comply with all federal and state laws pertaining to the acquisition, development, operation, and administration of airports and properties by the authority.

(c) This subsection applies only to the airport authority established by the city of Gary. The authority may assign the powers described in this section to a lessee or other operator with whom it enters into a lease, management agreement, or other contract under ~~section 11(20)~~ **section 11(a)(20)** of this chapter if the board has determined that the lessee or other operator has the expertise and experience to operate the facilities of the authority in accordance with prudent airport operating standards.

SECTION 40. IC 20-46-1-8, AS AMENDED BY SEA 207-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for either of the following purposes:

(1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.

(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(b) The governing body of the school corporation shall certify a copy of the resolution, ~~including the proposed public question language required by section 10 of this chapter,~~ to the following:

(1) The department of local government finance, **including (in the case of a resolution certified to the department of local government finance after April 30, 2011) the language for the question required by section 10 of this chapter. In the case of a resolution certified to the department of local government finance after April 30, 2011, the department shall review the language for compliance with section 10 of this chapter and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.**

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only). ~~and~~

(3) The circuit court clerk of each county in which the school corporation is located.

~~(c) If the certification under subsection (b) is made not later than the applicable time set forth in IC 3-10-9-3:~~

~~(1) the certification required by IC 3-10-9-3 is considered to have been made; and~~

~~(2) the referendum shall be held at the next primary, municipal primary, municipal, or general election, as applicable under IC 3-10-9-3.~~

SECTION 41. IC 20-46-1-13, AS AMENDED BY SEA 207-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 13. ~~(a)~~ Each circuit court clerk shall, upon receiving the question certified by the governing body of a school corporation under this chapter, call a meeting of the county election board to make arrangements for the referendum.

~~(b) The county election board shall review the proposed public question language.~~

~~(c) If the county election board determines that the proposed public question language fairly describes the referendum tax levy, the county election board shall approve the proposed language.~~

~~(d) If the county election board determines that the proposed public question language does not fairly describe the referendum tax levy, the county election board shall revise the public question language.~~

~~(e) If the county election board revises the public question language under subsection (d), the governing body of the school corporation may request the Indiana election commission to review the county election board's revision. If the governing body of the school corporation requests a review under this subsection, the Indiana election commission shall do one (1) of the following:~~

~~(1) Approve the public question language originally proposed by the governing body.~~

~~(2) Approve the public question language as revised by the county election board.~~

~~(3) Prescribe the public question language to be used for the referendum.~~

~~In determining what the public question language should be, the Indiana election commission shall determine what language most fairly describes the referendum tax levy.~~

~~(f) If the Indiana election commission does not make a determination under subsection (e) before:~~

~~(1) sixty (60) days before a primary election, if the question is to be placed on the primary or municipal primary election ballot; or~~

~~(2) August 1, if the question is to be placed on the general or municipal election ballot;~~

~~the determination of the county election board is considered approved.~~

~~(g) The public question language as determined under subsection (c), (d), (e), or (f), whichever is applicable, is the public question language that must be used for the referendum.~~

SECTION 42. IC 20-46-1-14, AS AMENDED BY SEA 207-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification **of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:**

(1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or

(2) August 1 if the question is to be placed on the general or municipal election ballot.

However, ~~section 8 of this chapter. (b)~~ if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than **noon:**

(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or

(2) on August 1 (if the special election is to be held in November). ~~the applicable time set forth in IC 3-10-9-3.~~

(b) If the referendum is **not** conducted at a **primary election, general election, or municipal election,** ~~special election,~~ the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

SECTION 43. IC 36-6-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

(1) showing the sum of money in each fund of the township at the beginning of the year;

(2) showing the sum of money received in each fund of the township during the year;

(3) showing the sum of money paid from each fund of the township during the year;

(4) showing the sum of money remaining in each fund of the township at the end of the year;

(5) containing a statement of receipts, showing their source; and

(6) containing a statement of expenditures, showing the combined gross payment, according to classification of expense, to each person.

(b) Within four (4) weeks after the third Tuesday following the first Monday in ~~January,~~ **February,** the executive shall publish the abstract prescribed by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor, and that the chairman of the township legislative body has a copy of the report that is available for inspection by any taxpayer of the township.

(c) An executive who fails to comply with this section commits a Class C infraction.

SECTION 44. [EFFECTIVE JANUARY 1, 2015] **(a) IC 6-3.1-20-1, IC 6-3.1-20-4, and IC 6-3.1-20-5, all as amended by this act, apply to taxable years beginning after December 31, 2014.**

(b) This SECTION expires January 1, 2018.

SECTION 45. [EFFECTIVE UPON PASSAGE] **(a) IC 8-22-3-11 and IC 8-22-3-25, both as amended by this act, apply to property taxes imposed for assessment dates that occur after February 28, 2014.**

(b) This SECTION expires July 1, 2018.

SECTION 46. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "office" refers to the office of management and budget established by IC 4-3-22-3.**

(b) The office shall prepare a land use study that must include the following:

(1) A study of the feasibility of constructing a facility on land north of the state house to house the judiciary, provide additional legislative office space, and provide parking for employees and visitors to the facility, including controlled access parking.

(2) A study of ways to enhance public access to the activities of the legislative and judicial branches of state government, including providing additional space for legislative hearings.

(3) A study of ways to enhance security while enhancing public access.

(c) The office may review and use an architectural study prepared for the budget agency under P.L.273-1999, SECTION 31, or any other study that the office considers relevant to the study required by subsection (b).

(d) The office shall submit the study required by subsection (b) to the legislative council in an electronic format under IC 5-14-6 before December 1, 2015.

(e) This SECTION expires January 1, 2016.

SECTION 47. SEA 118-2014, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 39. (a) During the 2014 legislative interim, ~~the commission on state tax and financing policy~~ **an appropriate study committee determined by the legislative council** shall study redevelopment commissions, authorities, and departments.

(b) Redevelopment commissions, authorities, and departments shall submit the information requested to fulfill the requirements of the report in subsection (c) to the department of local government finance before July 1, 2014, in the manner prescribed by the department of local government finance.

(c) The department of local government finance, with the assistance of the state board of accounts, shall prepare a report on redevelopment that covers at least the following:

(1) The activities of each redevelopment commission, authority, and department throughout Indiana, including projects proposed and projects completed.

(2) The budgets for 2009 through 2013 for each redevelopment commission, authority, and department, including a summary of these budgets.

(3) The audit findings for 2009 through 2013 for each redevelopment commission, authority, and department audited by the state board of accounts, including a summary of these audits.

(4) The actual increase in assessed values in redevelopment areas compared to the estimated increases set forth in the redevelopment plan.

(5) The actual increase in assessed values in redevelopment areas compared to the increase in assessed values outside redevelopment areas.

(6) Suggested changes in the law with regard to redevelopment commissions, authorities, and departments.

Before ~~August~~ **October** 1, 2014, the department of local government finance shall deliver the report concerning redevelopment commissions, authorities, and departments to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for distribution to each member of the ~~commission on state tax and financing policy~~ **appropriate study committee determined by the legislative council.** The department of local government finance and the state board of accounts shall be available to present the report and respond to questions at a meeting specified by the ~~commission.~~ **study committee.**

~~(b)~~ **(d)** This SECTION expires June 30, 2015.

SECTION 48. **An emergency is declared for this act.**

P.L.167-2014
[H.1003. Approved March 26, 2014.]

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

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

SECTION 1. IC 5-28-7-1, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Business" includes an entity that has the objective of supplying a service or an article of trade or commerce.

(2) "School corporation" has the meaning set forth in IC 20-18-2-16(a).

(3) "Charter school" has the meaning set forth in IC 20-18-2-2.5.

SECTION 2. IC 5-28-7-2, AS AMENDED BY P.L.67-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The corporation shall do the following:

(1) Establish policies to carry out a training assistance program, the purpose of which is to provide assistance to the following:

(A) New or expanding businesses, for the training or retraining of potential or incumbent employees and the retraining and upgrading of the skills of potential or incumbent employees.

(B) Businesses in Indiana, for the retraining and upgrading of employees' skills required to support new or existing capital investment.

(C) Businesses in Indiana, for the development of basic workforce skills of employees, including the following:

(i) Literacy.

(ii) Communication skills.

(iii) Computational skills.

(iv) Other transferable workforce skills approved by the corporation.

(D) School corporations and charter schools, to support career pathways for students through cooperative arrangements with businesses for the education and training of students in high wage, high demand jobs that require industry certifications.

(2) Provide promotional materials regarding the training program.

(3) Determine the eligibility of an industry for the training program.

(4) Require a commitment by a business receiving training assistance under this chapter to continue operations at a site on which the training assistance is used for at least five (5) years after the date the training assistance expires. If a business fails to comply with this commitment, the corporation shall require the

business to repay the training assistance provided to the business under this chapter.

SECTION 3. IC 5-28-7-4, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Participation in the training program is limited to ~~businesses~~ **entities** that:

(1) meet the eligibility requirements of the corporation; and

(2) comply with this chapter.

SECTION 4. IC 5-28-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) The corporation may award grants from the training 2000 fund to school corporations and charter schools to support cooperative arrangements with businesses for training students.**

(b) A school corporation or a charter school must apply to the corporation for a grant under this section in the manner prescribed by the corporation.

(c) The corporation may consult with Indiana works councils to develop the application and eligibility requirements for grants awarded under this section.

SECTION 5. IC 6-3.1-13-13, AS AMENDED BY P.L.4-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The corporation may make credit awards under this chapter **for any of the following:**

(1) To foster job creation in Indiana.

(2) ~~or, as provided in section 15.5 of this chapter,~~ **To foster** job retention in Indiana.

(3) For taxable years beginning after December 31, 2014, and before January 1, 2019, to foster employment in Indiana of students who participate in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification.

(b) The credit shall be claimed for the taxable years specified in the taxpayer's tax credit agreement.

SECTION 6. IC 6-3.1-13-14, AS AMENDED BY P.L.4-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. **(a)** A person that proposes a project to create

new jobs in Indiana may apply, as provided in section 15 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

(b) A person that proposes to retain existing jobs in Indiana may apply, as provided in section 15.5 of this chapter, to the corporation to enter into an agreement for a tax credit under this chapter.

(c) This subsection applies to taxable years beginning after December 31, 2014, and before January 1, 2019. A person that proposes to employ in Indiana students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification may apply, as provided in section 15.7 of this chapter, to the corporation to enter into a agreement for a tax credit under this chapter.

(d) The director shall prescribe the form of the application.

SECTION 7. IC 6-3.1-13-15.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15.7. (a) This section applies to an application proposing to employ students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification.**

(b) A taxpayer who wishes to claim the credit provided by this chapter for employment of candidates to which this section applies may submit an application to the corporation after June 30, 2014, for a taxable year beginning after December 31, 2014, and before January 1, 2019, in the manner prescribed by the corporation.

(c) After receipt of an application, the corporation may enter into an agreement with the applicant for a tax credit under this chapter if the corporation determines that the applicant:

(1) participates in at least one (1) cooperative arrangement with an educational institution for the training of students in high wage, high demand jobs that require an industry certification; and

(2) meets any additional eligibility conditions established by the corporation.

(d) The corporation may consult with the Indiana career council to develop eligibility and performance conditions that an applicant must meet to qualify for a credit award to which this section applies.

(e) The aggregate amount of tax credits awarded under this section for a state fiscal year may not exceed two million five hundred thousand dollars ($2,500,000).

SECTION 8. IC 6-3.1-13-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19.7. (a) In the case of a credit awarded for employment in Indiana of students who have participated in a course of study that includes a cooperative arrangement between an educational institution and an employer for the training of students in high wage, high demand jobs that require an industry certification, the corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:**

(1) A detailed description of the applicant's own cooperative arrangements between the applicant and educational institutions for the training of students in high wage, high demand jobs that require an industry certification.

(2) The duration of the tax credit and the first taxable year for which the credit may be claimed.

(3) The credit amount that will be allowed for each taxable year.

(4) A requirement that the taxpayer shall maintain the applicant's cooperative arrangements between the applicant and educational institutions for the training of students in high wage, high demand jobs that require an industry certification for at least two (2) years following the last taxable year in which the applicant claims the tax credit or carries over an unused part of the tax credit under section 18 of this chapter. A taxpayer is subject to an assessment under section 22 of this chapter for noncompliance with the requirement described in this subdivision.

(5) A specific method for determining the number of employees who:

(A) were students who participated in a course of study that included a cooperative arrangement between an

employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification; and

(B) are employed during a taxable year.

(6) A requirement that the taxpayer annually shall report to the corporation:

(A) the number of employees who participated in a course of study that includes a cooperative arrangement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification;

(B) the income tax revenue withheld in connection with the employees described in clause (A); and

(C) any other information the director needs to perform the director's duties under this chapter.

(7) A requirement that the director is authorized to verify with the appropriate state agencies the information reported under subdivision (6), and after doing so shall issue a certificate to the taxpayer stating that the information has been verified.

(8) A requirement that the taxpayer shall provide written notification to the director and the corporation not more than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(9) Any other performance conditions that the corporation determines are appropriate.

(b) A taxpayer who is awarded a credit under this chapter for employees who participated in a course of study that included a cooperative agreement between an employer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification may claim the credit only for employees whose course of study included a cooperative arrangement between the taxpayer and an educational institution for the training of students in high wage, high demand jobs that require an industry certification.

SECTION 9. IC 22-4.5-9-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. As used in this chapter, "system" refers to the Indiana workforce intelligence system established by IC 22-4.5-10-3.~~

SECTION 10. IC 22-4.5-9-4, AS AMENDED BY SEA 24-2014, SECTION 101, AND BY HEA 1064-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The council shall do all of the following:

(1) Provide coordination to align the various participants in the state's education, job skills development, and career training system.

(2) Match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market.

~~(3) Provide administrative oversight of the system.~~

~~(4)~~ **(3)** In addition to the department's annual report provided under IC 22-4-18-7, submit, not later than August 1, 2013, and not later than November 1 each year thereafter, to the legislative council in an electronic format under IC 5-14-6 an inventory of current job and career training activities conducted by:

(A) state and local agencies; and

(B) whenever the information is readily available, private groups, associations, and other participants in the state's education, job skills development, and career training system.

The inventory must provide at least the information listed in IC 22-4-18-7(a)(1) through IC 22-4-18-7(a)(5) for each activity in the inventory.

~~(5)~~ **(4)** Submit, not later than July 1, 2014, to the legislative council in an electronic format under IC 5-14-6 a strategic plan to improve the state's education, job skills development, and career training system. The council shall submit, not later than December 1, 2013, to the legislative council in an electronic format under IC 5-14-6 a progress report concerning the development of the strategic plan. The strategic plan developed under this subdivision must include at least the following:

(A) Proposed changes, including recommended legislation and rules, to increase coordination, data sharing, and communication among the state, local, and private agencies, groups, and associations that are involved in education, job skills development, and career training.

(B) Proposed changes to make Indiana a leader in employment opportunities related to the fields of science, technology, engineering, and mathematics (commonly known as STEM).

(C) Proposed changes to address both:

(i) the shortage of qualified workers for current employment opportunities; and

(ii) the shortage of employment opportunities for individuals with a baccalaureate or more advanced degree.

~~(6)~~ **(5)** Complete, not later than August 1, 2014, a return on investment and utilization study of career and technical education programs in Indiana. The study conducted under this subdivision must include at least the following:

(A) An examination of Indiana's career and technical education programs to determine:

(i) the use of the programs; and

(ii) the impact of the programs on college and career readiness, employment, and economic opportunity.

(B) A survey of the use of secondary, college, and university facilities, equipment, and faculty by career and technical education programs.

(C) Recommendations concerning how career and technical education programs:

(i) give a preference for courses leading to employment in high wage, high demand jobs; and

(ii) add performance based funding to ensure greater competitiveness among program providers and to increase completion of industry recognized credentials and dual credit courses that lead directly to employment or postsecondary study.

~~(7)~~ **(6)** Coordinate the performance of its duties under this chapter with:

(A) the education roundtable established by IC 20-19-4-2; and

(B) the Indiana works councils established by IC 20-19-6-4.

(b) In performing its duties, the council shall obtain input from the following:

(1) Indiana employers and employer organizations.

(2) Public and private institutions of higher education.

(3) Regional and local economic development organizations.

(4) Indiana labor organizations.

(5) Individuals with expertise in career and technical education.

(6) Military and veterans organizations.

(7) Organizations representing women, African-Americans, Latinos, and other significant minority populations and having an interest in issues of particular concern to these populations.

(8) Individuals and organizations with expertise in the logistics industry.

(9) Any other person or organization that a majority of the voting members of the council determines has information that is important for the council to consider.

SECTION 11. IC 22-4.5-9-9, AS ADDED BY P.L.60-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The governor may request the assistance of any state agency, board, commission, committee, department, division, or other entity of the executive department of state government as necessary to provide staff and administrative support to the council. ~~and the system.~~

SECTION 12. IC 22-4.5-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "governance committee" refers to the INK governance committee established by section 7 of this chapter.**

SECTION 13. IC 22-4.5-10-2, AS ADDED BY P.L.60-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter, ~~"system"~~ **"INK"** refers to the Indiana ~~workforce intelligence system~~ **network of knowledge** established by section 3 of this chapter.

SECTION 14. IC 22-4.5-10-3, AS ADDED BY P.L.60-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The Indiana ~~workforce intelligence system~~ **network of knowledge** is established as a statewide longitudinal data system that contains educational and workforce information:

(1) from educational institutions at all levels; and

(2) about the state's workforce;

to improve the effect of the state's educational delivery system on the economic opportunities of individuals and the state's workforce, and to guide state and local decision makers.

SECTION 15. IC 22-4.5-10-4, AS ADDED BY P.L.60-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** The ~~system~~ **INK** must do the following:

(1) Effectively organize, manage, break down, and analyze educational, ~~and~~ workforce, **and other** data.

(2) Generate timely and accurate information about student progress and outcomes over time, including students' preparation for postsecondary education and the workforce.

(3) Generate timely and accurate information that is available to the public about the effectiveness of the state's job training programs, including at least the following:

(A) The number of participants in each program.

(B) The number of participants who, as a result of the training received in the program:

(i) secured employment; or

(ii) were retained by an employer.

(C) The average wage of the participants who secured employment or were retained by an employer.

(4) Support the economic development **and other** activities of state and local governments.

(b) The INK may not obtain or store the following student data:

(1) Disciplinary records.

(2) Juvenile delinquency records.

(3) Criminal records.

(4) Medical and health records.

SECTION 16. IC 22-4.5-10-5, AS ADDED BY P.L.60-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** The department of education (established by IC 20-19-3-1), the department of workforce development (established by IC 22-4.1-2-1), the commission for higher education (established by IC 21-18-2-1), and other agencies of the state that collect **relevant** data related to educational and workforce outcomes shall submit that data to the ~~system~~ **INK** on a timely basis and shall ensure the following:

(1) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), **IC 22-4-19-6,** and other relevant privacy laws and policies, including the following:

(A) The required use of data that cannot be used to identify information relating to a specific individual or entity.

(B) The required disposition of information that is no longer needed.

(C) The provision of a data security plan, including the performance of regular audits for compliance with data privacy and security standards.

(D) The implementation of guidelines and policies to prevent the reporting of other data that may potentially be used to identify information relating to a specific individual or entity.

(2) The use of data only in summary form in reports and responses to information requests. Data that may identify specific individuals or entities because of the size or uniqueness of the population involved may not be reported in any form.

(b) After June 30, 2014, other agencies of the state shall submit to the INK on a timely basis relevant data, including data at the individual level, as determined by the INK governance committee.

(c) The data submitted to INK under subsections (a) and (b):

(1) remains under the ownership and control of the agency submitting the data; and

(2) may be used only for the purposes of this chapter, unless the agency that submitted the data consents to the additional use.

(d) After June 30, 2014, the following may submit educational, workforce, and other relevant data, as applicable, to the INK by working with and through the INK executive director:

(1) Private sector business or commercial employers, groups, associations, agencies, and other entities.

(2) Private institutions of higher education.

SECTION 17. IC 22-4.5-10-6, AS ADDED BY P.L.60-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The:

(1) council, before July 1, ~~2018,~~ **2014;** and

(2) ~~governor,~~ **governance committee, working in collaboration with the executive director,** after June 30, ~~2018,~~ **2014;**

shall provide administrative oversight to the ~~system~~ **INK through the executive director.**

(b) Administrative oversight of the ~~system~~ **INK** includes all the following:

(1) Provide general oversight and direction for the development and maintenance of the ~~system,~~ **INK, including the organizational framework for the day to day management of the INK.**

(2) ~~Approve an annual budget for the system.~~ **Work with the executive director and other state agencies participating in the INK to establish the following:**

(A) A standard compliance time frame for the submission of data to the INK.

(B) Interagency policies and agreements to ensure equal access to the INK.

(C) Interagency policies and agreements to ensure the ongoing success of the INK.

(3) Hire staff necessary to administer the ~~system.~~ **INK.**

(4) Develop **and implement** a detailed data security and safeguarding plan that includes:

(A) access by authenticated authorization;

(B) privacy compliance standards;

(C) notification and other procedures to protect system data if a breach of the ~~system~~ **INK** occurs; and

(D) policies for data retention and disposition.

(5) ~~Oversee~~ **Develop and implement policies to provide** routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), **IC 22-4-19-6,** and other relevant privacy laws and policies.

(6) Establish the policy and research agenda for the INK.

~~(6)~~ **(7)** ~~Review research requirements and~~ Establish policies for responding to data requests from the state, local agencies, the general assembly, and the public. **The policies established under this subdivision must provide for access to data in the INK requested by the legislative department of state government. If the data requested by the legislative department includes data that is restricted by federal law, regulation, or executive order, the governance committee shall provide access to the legislative department to the restricted data to the extent**

permitted by the applicable federal law, regulation, or executive order.

~~(7)~~ **(8)** Oversee the development of public access to the ~~system~~ **INK** in a manner that:

(A) permits research using the data in aggregated form; and

(B) cannot provide information that allows the identification of a specific individual or entity.

~~(8) Identify additional sources of data for the system from among state entities and require those entities to submit relevant data to the system.~~

(9) Submit, not later than September 1, 2015, and not later than September 1 each year thereafter, to the governor, to the legislative council in an electronic format under IC 5-14-6, and to the council, a report covering the following for the most recent fiscal year:

(A) An update concerning the administration of the INK and the governance committee's activities.

(B) An overview of all studies performed.

(C) Any proposed or planned expansions of the data maintained by the INK.

(D) Any other recommendations made by the executive director and the governance committee.

(c) Funding for the development, maintenance, and use of the ~~system~~ **INK** may be obtained from any of the following sources:

(1) Appropriations made by the general assembly for this purpose.

(2) Grants or other assistance from local educational agencies or institutions of higher education.

(3) Federal grants.

(4) User fees.

(5) Grants or amounts received from other public or private entities.

(d) The council (before July 1, ~~2018)~~ **2014)** and the governor **through the executive director** (after June 30, ~~2018)~~ **2014)** may contract with public or private entities for the following purposes:

(1) To develop and maintain the ~~system,~~ **INK, including the analytical and security capabilities of the INK. Contracts made under this subdivision must include:**

(A) express provisions that safeguard the privacy and security of the INK; and

(B) penalties for failure to comply with the provisions described in clause (A).

(2) To conduct research in support of the activities and objectives listed in section 4 of this chapter.

(3) To conduct research on topics at the request of the council, the governor, or the general assembly.

SECTION 18. IC 22-4.5-10-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. (a) The INK governance committee is established.**

(b) The governance committee consists of at least the following six (6) members:

(1) The commissioner of the department of workforce development, or the commissioner's designee with authority to act on behalf of the commissioner.

(2) The commissioner of the commission for higher education, or the commissioner's designee with authority to act on behalf of the commissioner.

(3) The state superintendent of public instruction, or the state superintendent's designee with authority to act on behalf of the state superintendent.

(4) One (1) member representing private colleges and universities appointed by the governor.

(5) One (1) member representing the business community in Indiana appointed by the governor.

(6) The INK executive director. The INK executive director serves in a nonvoting advisory capacity.

(c) The governor may appoint additional members to the governance committee as necessary to ensure the continued success of the INK. Additional members appointed under this subsection must represent other state agencies or partner organizations, as determined by the governance committee, that submit data to the INK.

(d) A member of the governance committee appointed by the governor serves at the pleasure of the governor.

(e) The governor shall make the initial appointments under this section not later than July 15, 2014.

(f) A vacancy on the governance committee is filled in the same manner as the original appointment.

(g) The governor shall appoint the chair of the governance committee from its voting members. The chair serves for one (1) year, or until a successor is selected.

(h) The governance committee shall meet at least quarterly or at the call of the chair.

(i) A majority of the voting members of the governance committee constitutes a quorum for the purpose of conducting business. The affirmative vote of a majority of the members of the governance committee is required for the governance committee to take official action.

SECTION 19. IC 22-4.5-10-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) The governor shall:**

(1) appoint an INK executive director from a list of three (3) candidates submitted by the governance committee; or

(2) reject all of the candidates on the list submitted by the governance committee.

(b) If the governor rejects all of the candidates on the list submitted by the governance committee, the governor shall notify the chair of the governance committee.

(c) Not later than thirty (30) days after the date the governance committee receives the governor's notice under subsection (b), the governance committee shall submit to the governor a second list of three (3) new candidates for the position of INK executive director. The governor shall appoint the INK executive director from the second list of candidates submitted by the governance committee.

(d) The INK executive director serves at the pleasure of the governor.

(e) Whenever a vacancy in the position of INK executive director occurs, the governor shall notify the chair of the governance committee. Not later than ten (10) days after the date the governance committee receives notice of the vacancy, the chair shall call a meeting of the governance committee to begin the process of filling the vacancy. Not later than thirty (30) days after the date the governance committee receives notice of the vacancy, the governance committee shall submit to the governor a list of three (3) candidates to fill the vacancy.

(f) The governance committee shall submit to the governor the initial list of three (3) candidates for INK executive director not later than August 15, 2014.

(g) The executive director is responsible for the daily administration of the INK.

(h) The executive director shall do all the following:

(1) Work with the governance committee, state agencies, and other entities participating in the INK to develop and implement appropriate policies and procedures concerning the INK's data quality, integrity, transparency, security, and confidentiality.

(2) Coordinate the provision and delivery of data, as determined by the governance committee, to ensure that research project timelines and deliverables to stakeholders are met.

(3) Provide reports concerning the INK and the executive director's activities to the governor and the governance committee.

(4) Work in collaboration with the governance committee to hire staff as necessary to administer the INK.

(5) Perform other duties as assigned by the governor.

SECTION 20. IC 22-4.5-10-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) Each member of the governance committee who is not a state employee is entitled to the following:**

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the governance committee who is a state employee is entitled to the following:

(1) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(2) Other expenses actually incurred in connection with the member's duties as provided in the state policies and

procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 21. IC 22-4.5-10.5-3, AS AMENDED BY SEA 24-2014, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department, in consultation with the commission for higher education, the department of education, the office of the secretary of family and social services, and any other agency the department determines is necessary, shall include in the Indiana ~~workforce intelligence system~~ **network of knowledge** established by IC 22-4.5-10-3 ~~as added by HB 1002-2013, SECTION 2,~~ information regarding the middle skill credentials awarded in Indiana for the immediately preceding state fiscal year.

(b) The information required under subsection (a) must include:

(1) the aggregate number of enrollees in programs leading to middle skill credentials from:

(A) public institutions of higher education;

(B) private institutions of higher education;

(C) postsecondary proprietary educational institutions;

(D) community colleges;

(E) area vocational schools;

(F) high school vocational programs;

(G) apprenticeship programs; and

(H) other public or private workforce training programs; and

(2) aggregate data of industry based certifications awarded as the result of the completion of education and employment training programs.

(c) The department shall publish the information described in subsection (b) in the department's annual report.

P.L.168-2014
[H.1006. Approved March 26, 2014.]

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

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

SECTION 1. IC 2-8.2-4-6, AS ADDED BY P.L.205-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

commits a ~~Class D~~ **Level 6** felony.

SECTION 2. IC 3-14-1-17, AS ADDED BY P.L.219-2013, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section, "government employee" refers to any of the following:

(1) An employee of the state.

(2) An employee of a political subdivision.

(3) A special state appointee (as defined in IC 4-2-6-1).

(4) An employee of a charter school (as defined in IC 20-24-1-4).

(b) As used in this section, "government employer" refers to the state or a political subdivision.

(c) As used in this section, "property" refers only to the following:

(1) Equipment, goods, and materials, including mail and messaging systems.

(2) Money.

(d) A government employee may not knowingly or intentionally use the property of the employee's government employer to do any of the following:

(1) Solicit a contribution.

(2) Advocate the election or defeat of a candidate.

(3) Advocate the approval or defeat of a public question.

(e) A government employee may not knowingly or intentionally distribute campaign materials advocating:

(1) the election or defeat of a candidate; or

(2) the approval or defeat of a public question;

on the government employer's real property during regular working hours.

(f) This section does not prohibit the following:

(1) Activities permitted under IC 6-1.1-20.

(2) A government employee from carrying out administrative duties under the direction of an elected official who is the government employee's supervisor.

(g) A government employee who knowingly or intentionally performs several actions described in subsection (d) or (e) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.

(h) A government employee who violates this section commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section.

SECTION 3. IC 3-14-2-3, AS AMENDED BY P.L.194-2013, SECTION 94, AND AS AMENDED BY P.L.158-2013, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of registration, *a petition of nomination, a declaration of candidacy,* or application for an absentee ballot knowing that the *affidavit, petition, declaration, or* application contains a false statement; or

(2) subscribes the name of another person to an affidavit of registration, *a petition of nomination, a declaration of candidacy,* or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a ~~*Class D*~~ *Level 6* felony.

SECTION 4. IC 3-14-2-11, AS AMENDED BY P.L.194-2013, SECTION 96, AND AS AMENDED BY P.L.158-2013, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~*Except as provided by IC 3-10-10, IC 3-10-11, or IC 3-10-12,*~~ *(a) A* person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a ~~*Class D*~~ *Level 6* felony*, except when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.*

(b) A person who knowingly makes a false statement concerning the name, address, or voter identification number of the person by:

(1) signing a person's signature on a poll list to affirm false information concerning a voter printed on the poll list; or

(2) making a written or oral affirmation under IC 3-7-39-7, IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information concerning a voter in addition to the information concerning the voter printed on the poll list;

commits a ~~*Class D*~~ *Level 6 felony.*

SECTION 5. IC 3-14-2-29, AS AMENDED BY P.L.194-2013, SECTION 97, AND AS AMENDED BY P.L.158-2013, SECTION 28, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without: ~~*obtaining authorization from the state recount commission:*~~

(1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; *or*

(2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a ~~*Class D*~~ *Level* 6 felony.

SECTION 6. IC 4-13-2-14.7, AS AMENDED BY P.L.214-2013, SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 59, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

(1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(for an act committed before its IC 35-42-4-2 repeal on July 1, 2014), was repealed),*~~ **(before its repeal),** if the victim is less than eighteen (18) years of age.

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A or *Class* B *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, or Level 4* felony *(for a crime committed after June 30, 2014)*. ~~(IC 35-42-4-9).~~

(9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 7. IC 5-2-6-3, AS AMENDED BY HEA 1141, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(15) Administer any sexual offense services.

(16) Administer domestic violence programs.

(17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

SECTION 8. IC 5-2-6-24, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 24. (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.**

(b) The institute shall monitor and evaluate criminal code reform as described in this section.

(c) The institute shall annually gather data and analyze the impact of criminal code reform on:

(1) local units of government;

(2) the department of correction; and

(3) the judicial center.

(d) The institute shall prepare an annual report containing the results of its analysis before July 1 of each year. The report shall be provided to the governor and the legislative council. The report

provided to the legislative council must be in an electronic format under IC 5-14-6.

(e) The report required under this section must:

(1) include an analysis of:

(A) the effect of criminal code reform on:

(i) county jails;

(ii) community corrections programs;

(iii) probation departments; and

(iv) courts;

(B) recidivism rates;

(C) reentry court programs; and

(D) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system, who are in the criminal justice system, and who have left the criminal justice system; and

(2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any. The report must include whether the grant or denial of a request for sentence modification was discretionary or mandatory, and whether the prosecuting attorney opposed the request for sentence modification, agreed to the request for sentence modification, or took no position on the request for sentence modification.

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, and the judicial center, shall assist the institute by providing requested data in a timely manner.

(h) Based on its analysis, the institute shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute shall include research data relevant to its analysis and recommendations in the report.

SECTION 9. IC 5-14-3-4, AS AMENDED BY SEA 208-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the ports of Indiana, the Indiana state department of agriculture, the Indiana finance authority, an economic development commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.
(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.
(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).
(13) The work product of the legislative services agency under personnel rules approved by the legislative council.
(14) The work product of individual members and the partisan staffs of the general assembly.
(15) The identity of a donor of a gift made to a public agency if:
(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or
(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.
(16) Library or archival records:
(A) which can be used to identify any library patron; or
(B) deposited with or acquired by a library upon a condition that the records be disclosed only:
(i) to qualified researchers;
(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
(iii) after the death of persons specified at the time of the acquisition or deposit.
However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.
(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request

to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems;

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable

likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)"; and

(L) the home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in ~~IC 35-42-2-6);~~ **IC 16-18-2-109.8);** or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background,

previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a law enforcement officer (as defined in IC 35-31.5-2-185);

(iii) a judge (as defined in IC 33-38-12-3);

(iv) the victim of a crime; or

(v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

(A) date of birth;

(B) driver's license number;

(C) taxpayer identification number;

(D) employer identification number; or

(E) account number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient

medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 10. IC 6-6-13-13, AS ADDED BY P.L.288-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) A person who knowingly fails to collect or timely remit tax otherwise required to be paid to the department under section 9 of this chapter is liable for the uncollected tax plus a penalty equal to one hundred percent (100%) of the uncollected tax.

(b) A person who recklessly, knowingly, or intentionally fails or refuses to pay over to the state the aviation fuel excise tax at the time required in this chapter or who fraudulently withholds or appropriates or otherwise uses the money or any part thereof belonging to the state commits a ~~Class D~~ **Level 6** felony.

(c) A person who negligently disregards any provision of this chapter is subject to a civil penalty of five hundred dollars ($500) for each separate occurrence of negligent disregard as determined by the department.

SECTION 11. IC 8-10-1-29, AS AMENDED BY P.L.156-2013, SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 133, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) *The ports of Indiana may declare an emergency:*

(1) in the case of fire, flood, windstorm, casualty, or other extraordinary emergency, including mechanical failure of any part of a building or structure; and

(2) if the health, safety, or welfare of the public or necessary governmental operations are endangered by loss or damage.

The ports of Indiana shall declare an emergency by recording the declaration and grounds for the emergency in the minutes of the commission.

(b) Unless the ports of Indiana declares an emergency, the ports of Indiana may not during any six (6) month period make separate contracts with another party for similar construction projects or the purchase of similar equipment, materials, or supplies under IC 8-10-1-7(5) without advertising for and accepting public bids, if the aggregate cost of the separate contracts is more than ~~twenty-five~~ *one hundred fifty* thousand dollars ~~($25,000).~~ *($150,000).*

~~(b)~~ *(c)* A commission member or an employee of the ports of Indiana who knowingly violates subsection ~~(a)~~ *(b)* commits a ~~Class D~~ *Level 6* felony.

~~(c)~~ *(d)* A person who accepts a contract with the ports of Indiana knowing that subsection ~~(a)~~ *(b)* was violated in connection with the contract commits a ~~Class D~~ *Level 6* felony and may not be a party to or benefit from any contract with a public body in the state for two (2) years from the date of the person's conviction.

(e) If the ports of Indiana declares an emergency, the ports of Indiana may:

(1) contract for a construction project or the purchase of equipment, materials, or supplies without advertising for bids, if bids or quotes are invited from at least three (3) persons known to deal in:

(A) the public work required to be done; or

(B) the equipment, materials, or supplies sought to be purchased; and

(2) either:

(A) reject all bids or quotes submitted; or

(B) contract with the lowest and best bidder or quoter for the construction project or purchase.

The total amount of all contracts the ports of Indiana may award with respect to an emergency declared under subsection (a) may not exceed

one million dollars ($1,000,000), unless an executive order is issued by the governor authorizing the ports of Indiana to exceed this limit.

(f) When awarding a contract with respect to an emergency declared under subsection (a), the ports shall list in the minutes of the next commission meeting the names of all the entities invited to bid.

SECTION 12. IC 9-17-4-14, AS ADDED BY P.L.262-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. A person who owns or possesses a motor vehicle that the person knows violates section 7 or 8 of this chapter commits a ~~Class D~~ **Level 6** felony.

SECTION 13. IC 9-17-4-15, AS ADDED BY P.L.262-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who knowingly:

(1) damages;
(2) removes; or
(3) alters;

an original or a special identification number commits a ~~Class C~~ **Level 5** felony.

(b) A person who, with the intent to conceal evidence of the commission of a crime, covers an original or special identification number commits a ~~Class C~~ **Level 5** felony.

SECTION 14. IC 9-17-4-16, AS ADDED BY P.L.262-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person who knowingly sells or offers for sale a motor vehicle with an original or a special identification number that is:

(1) destroyed;
(2) removed;
(3) altered;
(4) covered; or
(5) defaced;

commits a ~~Class D~~ **Level 6** felony.

SECTION 15. IC 9-17-4-17, AS ADDED BY P.L.262-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. A person who knowingly or intentionally sells or offers for sale a motor vehicle part with an identification number that is:

(1) destroyed;

(2) removed;
(3) altered;
(4) covered; or
(5) defaced;

commits a ~~Class D~~ **Level 6** felony.

SECTION 16. IC 9-17-4-18, AS ADDED BY P.L.262-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) For purposes of this section, "identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:

(1) a manufacturer of motor vehicles or motor vehicle parts; or
(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.

(b) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:

(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or
(2) as authorized by the bureau under this chapter.

(c) A person who knowingly or intentionally possesses a plate or label that:

(1) contains an identification number; and
(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or a governmental entity;

commits a ~~Class D~~ **Level 6** felony.

(d) A person who knowingly or intentionally possesses a plate or label on which the identification number is altered or removed commits a ~~Class D~~ **Level 6** felony.

(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or both numbers and letters that purports to be an identification number commits a ~~Class D~~ **Level 6** felony.

SECTION 17. IC 9-22-3-33, AS AMENDED BY P.L.92-2013, SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION 151, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. *(a)* A person who *recklessly,* knowingly*, or intentionally* violates section 4, 5, 6, 7, or 8 of this

chapter (or section 9 of this chapter before its repeal) commits a ~~*Class D*~~ *Level 6* felony.

(b) A person who recklessly, knowingly, or intentionally violates section 18.5 or 30 of this chapter commits a Class A misdemeanor.

SECTION 18. IC 9-30-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least five (5) days; or

(B) the person to perform at least one hundred eighty (180) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has one (1) previous conviction of operating while intoxicated.

(b) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least ten (10) days; or

(B) the person to perform at least three hundred sixty (360) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

(c) Notwithstanding ~~IC 35-50-2-2~~ **IC 35-50-2-2.2** and IC 35-50-3-1, a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire sentence must be served within six (6) months after the date of sentencing.

(d) Notwithstanding IC 35-50-6, a person does not earn credit time while serving a sentence imposed under this section.

SECTION 19. IC 9-32-17-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in ~~subsections~~ **subsection** (b), ~~and (c),~~ a person who violates IC 9-32-4 commits a Class C infraction.

(b) A person who knowingly or intentionally violates IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), ~~IC 9-32-4-1(a)(4), IC 9-32-4-1(a)(5),~~ or IC 9-32-4-1(d) commits a Class B misdemeanor.

~~(c) A person who knowingly or intentionally violates IC 9-32-4-1(a)(3) commits a:~~

~~(1) Class A misdemeanor for the first violation; and~~

~~(2) Class D felony for a second or subsequent unrelated violation.~~

SECTION 20. IC 11-8-8-4.5, AS AMENDED BY HEA 1269, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ ~~*(before its repeal on July 1, 2014).*~~ **(before its repeal).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A, Class B, or Class C *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5* felony *(for a crime committed after June 30, 2014),* ~~(IC 35-42-4-9),~~ unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C *felony (for a crime committed before July 1,*

2014) or a Level 5 felony *(for a crime committed after June 30, 2014);*

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B *felony (for a crime committed before July 1, 2014) or a Level 4* felony *(for a crime committed after June 30, 2014).*

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.

(18) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(19) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (18).

(20) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (19).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 21. IC 11-8-8-5, AS AMENDED BY HEA 1269, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal).* ~~*on July 1, 2014 (repealed).*~~

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A, Class B, or Class C *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5* felony *(for a crime committed after June 30, 2014),* ~~(IC 35-42-4-9),~~ unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony *(for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014);*

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony *(for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).*

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.

(18) Murder (IC 35-42-1-1).

(19) Voluntary manslaughter (IC 35-42-1-3).

(20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(21) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (20).

(22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (21).

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged

from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 22. IC 11-8-8-15, AS AMENDED BY P.L.214-2013, SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 173, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16);

that contains the offender's current address and current physical description.

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides;

that contains the offender's current address and current physical description.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if the person:

(1) is a sexually violent predator; or

(2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; ~~or~~

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b); *or*

(3) the person possesses a valid driver's license or state issued identification card, but the card does not reflect the person's current address or current physical description because fewer than thirty (30) days have passed since the person changed the person's current address or physical characteristics.

SECTION 23. IC 11-8-8-19, AS AMENDED BY P.L.214-2013, SECTION 12, AND AS AMENDED BY P.L.158-2013, SECTION 176, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-31.5-2-232) or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired, *and shall ensure that the offender's information is no longer published*

to the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5.

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D *felony (for an offense committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014);* or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

SECTION 24. IC 11-12-2-1, AS AMENDED BY P.L.105-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated

to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars ($11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by a corresponding amount. This subsection expires June 30, 2015.

~~(b)~~ **(c)** The commissioner shall give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities.

SECTION 25. IC 11-12-3.7-11, AS AMENDED BY P.L.192-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person is eligible to participate in a pre-conviction forensic diversion program only if the person meets the following criteria:

(1) The person has a mental illness, an addictive disorder, or both a mental illness and an addictive disorder.

(2) The person has been charged with an offense that is:

(A) not a violent offense; and

(B) a Class A, B, or C misdemeanor, or a ~~Class D~~ **Level 6** felony that may be reduced to a Class A misdemeanor in accordance with IC 35-50-2-7.

(3) The person does not have a conviction for a violent offense in the previous ten (10) years.

(4) The court has determined that the person is an appropriate candidate to participate in a pre-conviction forensic diversion program.

(5) The person has been accepted into a pre-conviction forensic diversion program.

(b) Before an eligible person is permitted to participate in a pre-conviction forensic diversion program, the court shall advise the person of the following:

(1) Before the individual is permitted to participate in the program, the individual will be required to enter a guilty plea to the offense with which the individual has been charged.

(2) The court will stay entry of the judgment of conviction during the time in which the individual is successfully participating in the program. If the individual stops successfully participating in the program, or does not successfully complete the program, the court will lift its stay, enter a judgment of conviction, and sentence the individual accordingly.

(3) If the individual participates in the program, the individual may be required to remain in the program for a period not to exceed three (3) years.

(4) During treatment the individual may be confined in an institution, be released for treatment in the community, receive supervised aftercare in the community, or may be required to receive a combination of these alternatives.

(5) If the individual successfully completes the forensic diversion program, the court will waive entry of the judgment of conviction and dismiss the charges.

(6) The court shall determine, after considering a report from the forensic diversion program, whether the individual is successfully participating in or has successfully completed the program.

(c) Before an eligible person may participate in a pre-conviction forensic diversion program, the person must plead guilty to the offense with which the person is charged.

(d) Before an eligible person may be admitted to a facility under the control of the division of mental health and addiction, the individual must be committed to the facility under IC 12-26.

(e) After the person has pleaded guilty, the court shall stay entry of judgment of conviction and place the person in the pre-conviction forensic diversion program for not more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

(f) If, after considering the report of the forensic diversion program, the court determines that the person has:

(1) failed to successfully participate in the forensic diversion program, or failed to successfully complete the program, the court shall lift its stay, enter judgment of conviction, and sentence the person accordingly; or

(2) successfully completed the forensic diversion program, the court shall waive entry of the judgment of conviction and dismiss the charges.

SECTION 26. IC 11-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. "Youthful offender" means an offender (as defined in IC 11-8-1-9) who:

(1) is less than twenty-one (21) years of age;

(2) has been committed to the department to serve a maximum sentence of not more than eight (8) years;

(3) has received a suspendible sentence under IC 35-50-2-2 **(before its repeal),** ~~or~~ IC 35-50-2-2.1, **or IC 35-50-2-2.2;**

(4) has been sentenced by a court having criminal jurisdiction;

(5) has never been confined in a state or federal adult correctional facility; and

(6) has not previously participated in a military or correctional boot camp program.

SECTION 27. IC 12-7-2-53.2, AS ADDED BY P.L.287-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 53.2. "Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) **(before its repeal).**

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Class A felony **(for a crime committed before July 1, 2014) or a Level 1 felony (for**

a crime committed after June 30, 2014) under IC 35-42-4-9(a)(2) or a Class B felony **(for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014)** under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A or Class B felony **(for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014)** (IC 35-42-5-1).

(13) Burglary as a Class A or Class B felony **(for a crime committed before July 1, 2014) or a Level 2 or Level 3 felony (for a crime committed after June 30, 2014)** (IC 35-43-2-1).

(14) Battery as a felony (IC 35-42-2-1).

(15) Domestic battery (IC 35-42-2-1.3).

(16) Strangulation (IC 35-42-2-9).

(17) Criminal confinement (IC 35-42-3-3).

(18) Sexual battery (IC 35-42-4-8).

(19) A felony committed in another jurisdiction that is substantially similar to a felony in this section.

(20) An attempt to commit or a conspiracy to commit an offense listed in subdivisions (1) through (19).

SECTION 28. IC 12-17.2-6-14, AS AMENDED BY P.L.287-2013, SECTION 16, AND AS AMENDED BY P.L.158-2013, SECTION 179, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~*The*~~ *(a) A* child care ministry must do the following:

(1) ~~*Conduct a*~~ *Subject to subsection (c), require, at no expense to the state, an employee or a volunteer who has direct contact with a child who is receiving child care from the child care ministry to submit fingerprints for* a *national* criminal history *background* check ~~*of the child care ministry's employees and volunteers.*~~ *by the Federal Bureau of Investigation.*

(2) Report to the division any:

(A) police investigations;

(B) arrests; and

(C) criminal convictions;

of which the operator or director of the child care ministry is aware regarding an employee or volunteer described in subdivision (1).

~~(2)~~ *(3)* Refrain from employing, or allowing to serve as a volunteer, an individual who *has direct contact with a child who is receiving child care from the child care ministry and who:*

(A) has been convicted of ~~*any of the following felonies:*~~

~~*(i) Murder (IC 35-42-1-1).*~~

~~*(ii) Causing suicide (IC 35-42-1-2).*~~

~~*(iii) Assisting suicide (IC 35-42-1-2.5).*~~

~~*(iv) Voluntary manslaughter (IC 35-42-1-3).*~~

~~*(v) Reckless homicide (IC 35-42-1-5).*~~

~~*(vi) Battery (IC 35-42-2-1).*~~

~~*(vii) Aggravated battery (IC 35-42-2-1.5).*~~

~~*(viii) Kidnapping (IC 35-42-3-2).*~~

~~*(ix) Criminal confinement (IC 35-42-3-3).*~~

~~*(x) A felony sex offense under IC 35-42-4.*~~

~~*(xi) Carjacking (IC 35-42-5-2) (repealed) (for a crime committed before July 1, 2014).*~~

~~*(xii) Arson (IC 35-43-1-1).*~~

~~*(xiii) Incest (IC 35-46-1-3).*~~

~~*(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).*~~

~~*(xv) Child selling (IC 35-46-1-4(d)).*~~

~~*(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.*~~

~~*(xvii) A felony relating to controlled substances under IC 35-48-4.*~~

~~*(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.*~~

~~*(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state.*~~ *a felony:*

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) has been convicted of a misdemeanor related to the health or safety of a child;

(C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

(D) has been convicted of a misdemeanor under IC 12-17.2-5-35 for operating a child care home without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

~~*(C)*~~ *(E)* is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33, *or under a substantially similar provision in another jurisdiction.*

~~*(3) Maintain records of each criminal history check.*~~

(b) A child care ministry shall require an individual described in subsection (a)(1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

(c) A child care ministry that is registered under this chapter on July 1, 2013, shall, at no expense to the state, meet the requirements under subsection (a)(1) not later than July 1, 2014.

SECTION 29. IC 12-24-3-2, AS AMENDED BY P.L.214-2013, SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION 183, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To provide greater security for patients, visitors, and employees, the division may not employ in a state institution an individual who has been convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014).*~~ ~~*(repealed).*~~ **(before its repeal).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4).

(5) Sexual misconduct with a minor *(IC 35-42-4-9)* as a Class A or *Class* B *felony (for a crime committed before July 1, 2014) or*

a Level 1 felony, Level 2 felony, or Level 4 felony ~~*(IC 35-42-4-9)*~~ *(for a crime committed after June 30, 2014).*

SECTION 30. IC 16-31-3-14, AS AMENDED BY P.L.196-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars ($500) per day per violation.

(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the

applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under ~~*IC 35-48-4-7(b)*~~ *IC 35-48-4-7(c)*.

(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ as a Class D *felony* (*for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony **(for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014)** *under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).*

~~*(9)*~~ *(10)* Maintaining a common nuisance under IC 35-48-4-13.

~~*(10)*~~ *(11)* An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~*(11)*~~ *(12)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (10)*~~ *this section.*

~~*(12)*~~ *(13)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (10)*~~ *this section.*

~~*(13)*~~ *(14)* An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described ~~*by subdivisions (1) through (12)*~~ *in this section.*

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

(1) an unlimited certificate;

(2) a limited or probationary certificate; or

(3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

(1) an unlimited license;

(2) a limited or probationary license; or

(3) an inactive license.

SECTION 31. IC 16-41-12-15, AS AMENDED BY P.L.213-2013, SECTION 14, AND AS AMENDED BY P.L.158-2013, SECTION 243, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A blood center shall require a blood donor to provide to the blood center the following information:

(1) Name.

(2) Address.

(3) Date of birth.

(4) The blood donor's Social Security number, if the blood donor is receiving monetary compensation for the donation.

~~*(b) A blood center shall request a blood donor to provide the blood donor's Social Security number.*~~

~~*(c)*~~ *(b)* A blood center shall report the name and address of a blood donor to the state department when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

~~*(d)*~~ *(c)* A blood center shall provide to a blood donor information to enable the blood donor to give informed consent to the procedures required by this chapter or IC 16-36. The information required by this subsection must be in the following form:

NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation, *other autologous donations, or donations not intended by the blood center for distribution or use),* sells, or transfers blood ~~*or a blood component*~~ that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated blood, a ~~*Class C*~~ *Level 5* felony. The offense is a ~~*Class A*~~ *Level 4* felony if the offense results in the transmission of the virus to another person.

SECTION 32. IC 20-28-5-8, AS AMENDED BY P.L.158-2013, SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).

(2) Criminal confinement (IC 35-42-3-3).

(3) Rape (IC 35-42-4-1).

(4) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ **(before its repeal).**

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3).

(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(13) Dealing in methamphetamine (IC 35-48-4-1.1).

(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(17) Dealing in a counterfeit substance (IC 35-48-4-5).

(18) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10(b)).

(19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).

(20) Possession of child pornography (IC 35-42-4-4(c)).

(21) Homicide (IC 35-42-1).

(22) Voluntary manslaughter (IC 35-42-1-3).

(23) Reckless homicide (IC 35-42-1-5).

(24) Battery as any of the following:

(A) A Class A *felony (for a crime committed before July 1, 2014) or a Level 2* felony *(for a crime committed after June 30, 2014).* ~~*(IC 35-42-2-1(a)(5)).*~~

(B) A Class B *felony (for a crime committed before July 1, 2014) or a Level 3* felony *(for a crime committed after June 30, 2014).* ~~*(IC 35-42-2-1(a)(4)).*~~

(C) A Class C *felony (for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014).* ~~*(IC 35-42-2-1(a)(3)).*~~

(25) Aggravated battery (IC 35-42-2-1.5).

(26) Robbery (IC 35-42-5-1).

(27) Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**

(28) Arson as a Class A felony or ~~*a*~~ Class B *felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4* felony *(for a crime committed after June 30, 2014)* (IC 35-43-1-1(a)).

(29) Burglary as a Class A felony or ~~*a*~~ Class B felony *(for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014)* (IC 35-43-2-1).

(30) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(31) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the

department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 33. IC 22-15-5-16, AS AMENDED BY P.L.196-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;

(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars ($1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However,

a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) *(for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).*

(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) *Class D felony* ~~*under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013)*~~ **for a crime committed before July 1, 2014, under:**

(i) IC 35-48-4-11, before its amendment in 2013; or

(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

~~*(9)*~~ *(10)* Maintaining a common nuisance under IC 35-48-4-13.

~~*(10)*~~ *(11)* An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~*(11)*~~ *(12)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this subsection.*

~~*(12)*~~ *(13)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this subsection.*

~~*(13)*~~ *(14)* An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in ~~subdivisions (1) through (12).~~ *this subsection.*

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ under IC 35-48-4-10(b).

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

~~*(10)*~~ *(11)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (9).*~~ *this subsection.*

~~*(11)*~~ *(12)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (9).*~~ *this subsection.*

~~(12)~~ *(13)* An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in ~~*subdivisions (1) through (11).*~~ *this subsection.*

~~(13)~~ *(14)* A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.

SECTION 34. IC 23-19-5-8, AS AMENDED BY P.L.146-2013, SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 267, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A person who knowingly violates this article, or a rule adopted under this article, except ~~section~~ *sections* 4 *and 11* of this chapter or the notice filing requirements of IC 23-19-3-2 or IC 23-19-4-5, commits a ~~Class C~~ *Level 5* felony.

(b) A person who knowingly violates section 1 of this chapter commits a ~~Class B~~ *Level 4* felony if the person harmed, defrauded, misled, or deceived by the violation is at least sixty (60) years of age.

(c) A person who knowingly violates section 1 of this chapter:

(1) while using or taking advantage of; or
(2) in connection with;

a relationship that is based on religious affiliation or worship commits a ~~Class B~~ *Level 4* felony.

(d) It is the duty of a prosecuting attorney, as well as of the attorney general, to assist the commissioner upon the commissioner's request in

the prosecution to final judgment of a violation of the penal provisions of this article. If the commissioner determines that an action based on the securities division's investigations is meritorious:

(1) the commissioner or a designee empowered by the commissioner shall refer the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed;

(2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy prosecutor appointed by the prosecuting attorney;

(3) a prosecuting attorney to whom facts concerning fraud are referred under subdivision (1) may refer the matter to the attorney general;

(4) if a matter has been referred to the attorney general under subdivision (3), the attorney general may:

(A) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and

(B) prosecute the alleged offense; and

(5) if a matter has been referred to the attorney general under subdivision (3), the commissioner and the securities division shall assist the attorney general in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy attorney general appointed by the attorney general.

(e) This article does not limit the power of this state to punish a person for conduct that constitutes a crime under other laws of this state.

SECTION 35. IC 24-4-18-6, AS AMENDED BY P.L.112-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 273, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~(a) *A criminal history provider may provide only criminal history information that relates to a conviction.*~~

~~*(b)*~~ **(a)** *Except as provided in subsection (b),* a criminal history provider may not *knowingly* provide ~~*information*~~ *a criminal history*

report that provides criminal history information relating to the following:

~~*(1) An infraction, an arrest, or a charge that did not result in a conviction.*~~

~~*(2)*~~ *(1)* A record that has been expunged *by:*

(A) marking the record as expunged; or

(B) removing the record from public access.

~~*(3)*~~ *(2)* A record that is restricted by a court or the rules of a court *and is marked as restricted from public disclosure or removed from public access.*

~~*(4)*~~ *(3)* A record indicating a conviction of a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* if the Class D *felony or Level 6* felony conviction:

(A) has been entered as a Class A misdemeanor conviction; or

(B) has been converted to a Class A misdemeanor conviction.

~~*(5)*~~ *(4)* A record that the criminal history provider knows is inaccurate.

(b) A criminal history provider may provide information described in subsection (a)(1) through (a)(3) if the person requesting the criminal history report is:

(1) required by state or federal law to obtain the information; or

(2) the state or a political subdivision, and the information will be used solely in connection with the issuance of a public bond.

SECTION 36. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).
(4) Fraudulently obtaining a controlled substance under ~~*IC 35-48-4-7(b).*~~ *IC 35-48-4-7(c).*
(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic drug*~~ as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-11.
(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) *Class D felony* ~~*under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013)*~~ **for a crime committed before July 1, 2014, under:**

(i) IC 35-48-4-11, before its amendment in 2013; or
(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

~~*(9)*~~ *(10)* Maintaining a common nuisance under IC 35-48-4-13.
~~*(10)*~~ *(11)* An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
~~*(11)*~~ *(12)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this section.*
~~*(12)*~~ *(13)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~*subdivisions (1) through (10).*~~ *this section.*
~~*(13)*~~ *(14)* A sex crime under IC 35-42-4.
~~*(14)*~~ *(15)* A felony that reflects adversely on the individual's fitness to hold a professional license.
~~*(15)*~~ *(16)* An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are

substantially similar to the elements of an offense described in this section.

SECTION 37. IC 29-3-7-7, AS AMENDED BY P.L.158-2013, SECTION 303, AND AS AMENDED BY P.L.214-2013, SECTION 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense and was convicted as an adult of:

(A) an offense described in:

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2 ~~*(repealed);*~~ *(before its repeal);*

(iii) IC 35-42-4-3 as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2 or Level 4 felony (for crimes committed after June 30, 2014);*

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

(vi) IC 35-42-4-5(a)(3);

(vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);*

(viii) IC 35-42-4-5(b)(2); or

(ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);*

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 38. IC 31-19-9-10, AS AMENDED BY P.L.158-2013, SECTION 310, AND AS AMENDED BY P.L.214-2013, SECTION 23, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) ~~(repealed);~~ **(before its repeal);**

(F) child molesting *(IC 35-42-4-3)* as a:

(i) Class A or Class B felony, ~~*(IC 35-42-4-3);*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest *(IC 35-46-1-3)* as a:

(i) Class B felony, ~~*(IC 35-46-1-3);*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent *(IC 35-46-1-4)* as a:

(i) Class B felony, ~~*(IC 35-46-1-4);*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery *(IC 35-42-2-1)* of a child as a:

(i) Class C felony, ~~*(IC 35-42-2-1(a)(3));*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery *(IC 35-42-2-1)* as a:

(i) Class A ~~*felony*~~ ~~*(IC 35-42-2-1(a)(5))*~~ or Class B felony, ~~*(IC 35-42-2-1(a)(4));*~~ *for a crime committed before July 1, 2014; or*

(ii) Level 2 or Level 3 felony, for a crime committed after June 30, 2014; or

(K) an attempt under IC 35-41-5-1 to commit an offense described in clauses (A) through (J);

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 39. IC 31-30-1-2.5, AS AMENDED BY P.L.158-2013, SECTION 314, AND AS AMENDED BY P.L.214-2013, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child or permit a person to continue to serve as a guardian or custodian of a child if the person:

(1) is a sexually violent predator (as described in IC 35-38-1-7.5);

(2) was at least eighteen (18) years of age at the time of the offense and committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury; or

(3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of:

(A) an offense described in:

(i) IC 35-42-4-1;

(ii) IC 35-42-4-2 *(before its repeal);* ~~*(repealed);*~~

(iii) IC 35-42-4-3 as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);*

(iv) IC 35-42-4-5(a)(1);

(v) IC 35-42-4-5(a)(2);

(vi) IC 35-42-4-5(a)(3);

(vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);*

(viii) IC 35-42-4-5(b)(2); or

(ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony *(for crimes committed before July 1, 2014) or as a Level 1, Level 2, or Level 3 felony (for crimes committed after June 30, 2014);*

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).

SECTION 40. IC 31-30-1-4, AS AMENDED BY P.L.158-2013, SECTION 315, AND AS AMENDED BY P.L.214-2013, SECTION 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

(1) IC 35-41-5-1(a) (attempted murder);

(2) IC 35-42-1-1 (murder);

(3) IC 35-42-3-2 (kidnapping);

(4) IC 35-42-4-1 (rape);

(5) IC 35-42-4-2 (criminal deviate conduct) ~~(repealed);~~ **(before its repeal);**

(6) IC 35-42-5-1 (robbery) if:

(A) the robbery was committed while armed with a deadly weapon; or

(B) the robbery results in bodily injury or serious bodily injury;

(7) IC 35-42-5-2 (carjacking) ~~*(repealed);*~~ **(before its repeal);**

~~(8) IC 35-45-9-3 (criminal gang activity);~~

~~(9) IC 35-45-9-4 (criminal gang intimidation);~~

~~(10)~~ **(8)** IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony;

~~(11)~~ **(9)** IC 35-47-10 (children and firearms), if charged as a felony;

~~(12)~~ **(10)** IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or

~~(13)~~ **(11)** any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through ~~(12);~~ **(10);**

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

~~(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine or a narcotic drug (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:~~

~~(1) the individual has a prior unrelated conviction under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or~~

~~(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;~~

~~and the individual was at least sixteen (16) years of age at the time of the alleged violation.~~

~~(c)~~ **(b)** Once an individual described in subsection (a) ~~or (b)~~ has been charged with any crime listed in subsection (a), ~~or (b),~~ the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 41. IC 31-30-4-2, AS ADDED BY P.L.104-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Subject to subsection (c), if:

(1) an offender is:

(A) less than eighteen (18) years of age;

(B) waived to a court with criminal jurisdiction under IC 31-30-3 because the offender committed an act that would be a felony if committed by an adult; and

(C) convicted of committing the felony or enters a plea of guilty to committing the felony; or

(2) an offender is:

(A) less than eighteen (18) years of age;

(B) charged with a felony over which a juvenile court does not have jurisdiction under IC 31-30-1-4; and

(C) convicted of committing the felony by a court with criminal jurisdiction or enters a plea of guilty to committing the felony with the court;

the court may, upon its own motion, a motion of the prosecuting attorney, or a motion of the offender's legal representative, impose a sentence upon the conviction of the offender under this chapter.

(b) If a court elects to impose a sentence upon conviction of an offender under subsection (a) and, before the offender is sentenced, the department of correction determines that there is space available for the offender in a juvenile facility of the division of youth services of the department, the sentencing court may:

(1) impose an appropriate criminal sentence on the offender under IC 35-50-2;

(2) suspend the criminal sentence imposed, notwithstanding IC 35-50-2-2 **(before its repeal),** ~~and~~ IC 35-50-2-2.1, **and IC 35-50-2-2.2;**

(3) order the offender to be placed into the custody of the department of correction to be placed in the juvenile facility of the division of youth services; and

(4) provide that the successful completion of the placement of the offender in the juvenile facility is a condition of the suspended criminal sentence.

(c) The court may not impose a sentence on an offender under subsection (a) until:

(1) the prosecuting attorney has notified the victim of the felony of the possible imposition of a sentence on the offender under this chapter; and

(2) either:

(A) the probation department of the court has conducted a presentence investigation concerning the offender and reported its findings to the court; or

(B) the department of correction has conducted a diagnostic evaluation of the offender and reported its findings to the court.

SECTION 42. IC 31-30-4-5, AS ADDED BY P.L.104-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) At the request of a sentencing court, the department of correction shall provide a progress report to the

sentencing court concerning an offender sentenced and placed in a juvenile facility under section 2(b) of this chapter. When the offender becomes eighteen (18) years of age:

(1) the department shall notify the sentencing court; and

(2) the sentencing court shall hold a review hearing concerning the offender before the offender becomes nineteen (19) years of age.

(b) Except as provided in subsection (c), after a hearing conducted under subsection (a), the sentencing court may:

(1) continue the offender's placement in a juvenile facility until the objectives of the sentence imposed on the offender have been met, if the sentencing court finds that the objectives of the sentence imposed on the offender have not been met;

(2) discharge the offender if the sentencing court finds that the objectives of the sentence imposed on the offender have been met;

(3) order execution of all or part of the offender's suspended criminal sentence in an adult facility of the department of correction; or

(4) place the offender:

(A) in home detention under IC 35-38-2.5;

(B) in a community corrections program under IC 35-38-2.6;

(C) on probation under IC 35-50-7; or

(D) in any other appropriate alternative sentencing program.

(c) This subsection applies to an offender over whom a juvenile court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Kidnapping (IC 35-42-3-2).

(4) Rape as a Class A felony **(for a crime committed before July 1, 2014) or a Level 1 felony (for a crime committed after June 30, 2014)** (IC 35-42-4-1(b)).

(5) Criminal deviate conduct as a Class A felony (IC 35-42-4-2(b)) **(before its repeal).**

(6) Robbery as a Class A felony **(for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014)** (IC 35-42-5-1), if:

(A) the offense was committed while armed with a deadly weapon; and

(B) the offense resulted in bodily injury to any person other than a defendant.

The court may not modify the original sentence of an offender to whom this subsection applies if the prosecuting attorney objects in writing to the modification. The prosecuting attorney shall set forth in writing the prosecuting attorney's reasons for objecting to the sentence modification.

SECTION 43. IC 31-34-1-3, AS AMENDED BY P.L.158-2013, SECTION 319, AND AS AMENDED BY P.L.214-2013, SECTION 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child is the victim of a sex offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 ~~(repealed);~~ **(before its repeal);**

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;

(E) IC 35-42-4-7;

(F) IC 35-42-4-9;

(G) IC 35-45-4-1;

(H) IC 35-45-4-2;

(I) IC 35-46-1-3; or

(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I); and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

(1) the child lives in the same household as another child who is the victim of a sex offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 ~~(repealed);~~ **(before its repeal);**

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;
(E) IC 35-42-4-7;
(F) IC 35-42-4-9;
(G) IC 35-45-4-1;
(H) IC 35-45-4-2;
(I) IC 35-46-1-3; or
(J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I);

(2) the child lives in the same household as the adult who:
(A) committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2; *or*
(B) has been charged with a sex offense listed in subdivision (1) and is awaiting trial;

(3) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court; and

(4) a caseworker assigned to provide services to the child:
(A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or
(B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

SECTION 44. IC 31-37-4-3, AS AMENDED BY P.L.172-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 326, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).
(7) Battery (IC 35-42-2-1).
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Robbery as a ~~*Class A*~~ *Level 2* felony or a ~~*Class B*~~ *Level 3* felony (IC 35-42-5-1).
(13) Burglary as a ~~*Class A*~~ *Level 1 felony, Level 2 felony, Level 3* felony, or ~~*a Class B*~~ *Level 4* felony (IC 35-43-2-1).
~~*(14) Carjacking (IC 35-42-5-2).*~~
~~(15)~~ *(14)* Assisting a criminal as a ~~*Class C*~~ *Level 5* felony (IC 35-44.1-2-5).
~~*(16)*~~ *(15)* Escape (IC 35-44.1-3-4) as a ~~*Class B*~~ *Level 4* felony or ~~*Class C*~~ *Level 5* felony.
~~*(17)*~~ *(16)* Trafficking with an inmate as a ~~*Class C*~~ *Level 5* felony (IC 35-44.1-3-5).
~~*(18)*~~ *(17)* Causing death when operating a vehicle (IC 9-30-5-5).
~~*(19)*~~ *(18)* Criminal confinement (IC 35-42-3-3) as a ~~*Class B*~~ *Level 2 or Level 3* felony.
~~*(20)*~~ *(19)* Arson (IC 35-43-1-1) as a ~~*Class A or Class B*~~ *Level 2 felony, Level 3 felony,* or *Level 4* felony.
~~*(21)*~~ *(20)* Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
~~*(22)*~~ *(21)* Terroristic mischief (IC 35-47-12-3) as a ~~*Class B*~~ *Level 2 or Level 3* felony.
~~*(23)*~~ *(22)* Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
~~*(24)*~~ *(23)* A violation of IC 35-47.5 (controlled explosives) as a ~~*Class A or Class B*~~ *Level 2 felony, Level 3 felony,* or *Level 4* felony.
~~*(25)*~~ *(24)* A controlled substances offense under IC 35-48.
~~*(26)*~~ *(25)* A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) *or a situation to which IC 12-26-4-1 applies,* the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is

enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 45. IC 31-37-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If a finding of delinquency is based on a delinquent act that would be a felony if committed by an adult, the juvenile court shall state in the findings the following:

(1) The specific statute that was violated.

(2) The class **or level** of the felony had the violation been committed by an adult.

SECTION 46. IC 33-37-5-23, AS AMENDED BY P.L.214-2013, SECTION 30, AND AS AMENDED BY P.L.158-2013, SECTION 341, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least ~~*two hundred fifty dollars ($250)*~~ *five hundred dollars ($500)* and not more than ~~*one thousand dollars ($1,000)*~~ *five thousand dollars ($5,000)* against an individual convicted in Indiana of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014); (repealed).*~~ **(before its repeal).**

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a Class A or Class B *felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4* felony *(for a crime committed after June 30, 2014)* (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(11) Promotion of human trafficking (IC 35-42-3.5-1(a)).

(12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).

(13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(14) Human trafficking (IC 35-42-3.5-1(d)).

SECTION 47. IC 33-39-1-8, AS AMENDED BY HEA 1279-2014, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

~~(C) IC 35-42-2-2(c)(1);~~

~~(D)~~ **(C)** IC 35-44.1-2-13(b)(1); or

~~(E)~~ **(D)** IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor, **a Level 6 felony, or a Level 5 felony;**

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 48. IC 35-31.5-2-67.2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 67.2. "Corrections officer", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(a).~~

SECTION 49. IC 35-31.5-2-115.2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 115.2. "Emergency medical responder", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c).~~

SECTION 50. IC 35-31.5-2-160.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 160.5. "Human immunodeficiency virus (HIV)", for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(d).~~

SECTION 51. IC 35-31.5-2-244, AS AMENDED BY P.L.13-2013, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 244. ~~(a)~~ "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

~~(b) "Prescription drug", for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(4).~~

SECTION 52. IC 35-32-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This title shall be construed in accordance with its general purposes, to:

(1) secure simplicity in procedure;

(2) insure fairness of administration including the elimination of unjustifiable delay;

(3) insure the effective apprehension and trial of persons accused of offenses;

(4) provide for the just determination of every criminal proceeding by a fair and impartial trial and adequate review; ~~and~~

(5) reduce crime by promoting the use of evidence based best practices for rehabilitation of offenders in a community setting;

(6) keep dangerous offenders in prison by avoiding the use of scarce prison space for nonviolent offenders;

(7) give judges maximum discretion to impose sentences based on a consideration of all the circumstances related to the offense;

(8) maintain proportionality of penalties across the criminal code, with like sentences for like crimes;

(9) make the lengths of sentences served by offenders more certain for victims; and

~~(5)~~ **(10)** preserve the public welfare and secure the fundamental rights of individuals.

SECTION 53. IC 35-33-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Money in the fund at the end of a particular calendar year does not revert to any other fund, but remains in the county extradition **and sheriff's assistance** fund.

SECTION 54. IC 35-38-1-1.3, AS ADDED BY P.L.178-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.3. After a court has pronounced a sentence for a felony conviction, the court shall issue a statement of the court's reasons for selecting the sentence that it imposes **unless the court imposes the advisory sentence for the felony.**

SECTION 55. IC 35-38-1-1.5, AS AMENDED BY P.L.159-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 393, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) A court may enter judgment of conviction as a ~~*Class D*~~ *Level 6* felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor ~~*within three (3) years*~~ if the person fulfills certain conditions. A court may enter a judgment of conviction as a ~~*Class D*~~ *Level 6* felony with the express provision that the conviction will be

converted to a conviction as a Class A misdemeanor only if the person pleads guilty to a ~~*Class D*~~ *Level 6* felony that qualifies for consideration as a Class A misdemeanor under IC 35-50-2-7, and the following conditions are met:

(1) The prosecuting attorney consents.

(2) The person agrees to the conditions set by the court.

(b) For a judgment of conviction to be entered under subsection (a), the court, the prosecuting attorney, and the person must all agree to the conditions set by the court under subsection (a).

(c) The court is not required to convert a judgment of conviction entered as a ~~*Class D*~~ *Level 6* felony to a Class A misdemeanor if, after a hearing, the court finds:

(1) the person has violated a condition set by the court under subsection (a); or

(2) the period that the conditions set by the court under subsection (a) are in effect expires before the person successfully completes each condition.

However, the court may not convert a judgment of conviction entered as a ~~*Class D*~~ *Level 6* felony to a Class A misdemeanor if the person commits a new offense before the conditions set by the court under subsection (a) expire.

(d) The court shall enter judgment of conviction as a Class A misdemeanor if the person fulfills the conditions set by the court under subsection (a).

(e) The entry of a judgment of conviction under this section does not affect the application of any statute requiring the suspension of a person's driving privileges.

(f) This section may not be construed to diminish or alter the rights of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding under this chapter.

SECTION 56. IC 35-38-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this chapter, "victim representative" means a person designated by a sentencing court who is:

(1) a spouse, parent, child, sibling, or other relative of; or

(2) a person who has had a close personal relationship with;

the victim of a felony who is deceased, incapacitated, or less than eighteen (18) years of age.

(b) Upon entering a conviction, the court shall set a date for sentencing within thirty (30) days, unless for good cause shown an extension is granted. If a presentence report is not required, the court may sentence the defendant at the time the judgment of conviction is entered. However, the court may not pronounce sentence at that time without:

(1) inquiring as to whether an adjournment is desired by the defendant; and

(2) informing the victim, if present, of a victim's right to make a statement concerning the crime and the sentence.

When an adjournment is requested, the defendant shall state its purpose and the court may allow a reasonable time for adjournment.

(c) If:

(1) the state in the manner prescribed by IC 35-34-1-2.5 sought an increased penalty by alleging that the person was previously convicted of the offense; and

(2) the person was convicted of the subsequent offense in a jury trial;

the jury shall reconvene for the sentencing hearing. The person shall be sentenced to receive the increased penalty if the jury (or the court, if the trial is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had a previous conviction for the offense.

(d) If the felony is nonsuspendible under IC 35-50-2-2 **(before its repeal) or IC 35-50-2-2.2,** the judge shall order the defendant, if the defendant has previously been released on bail or recognizance, to be imprisoned in the county or local penal facility pending sentencing.

(e) Upon entering a conviction for a felony, the court shall designate a victim representative if the victim is deceased, incapacitated, or less than eighteen (18) years of age.

SECTION 57. IC 35-38-1-7.5, AS AMENDED BY P.L.214-2013, SECTION 33, AND AS AMENDED BY P.L.158-2013, SECTION 394, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is

identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2 ~~*(before its repeal on July 1, 2014); (repealed);*~~ **(before its repeal);**

(C) IC 35-42-4-3 as a Class A or Class B felony *(for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);*

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B *felony (for a crime committed before July 1, 2014) or Level 2, Level 3, or Level 4* felony *(for a crime committed after June 30, 2014);*

(H) IC 35-42-4-5(b)(2);

(I) IC 35-42-4-5(b)(3) as a Class A or Class B *felony (for a crime committed before July 1, 2014) or a Level 2, Level 3, or Level 4* felony *(for a crime committed after June 30, 2014);*

(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, ~~or~~ probation, *or parole* for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider

whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court or juvenile court makes its determination under subsection (e); or

(2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator *or an offender against children.* Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

(1) The victim was not less than twelve (12) years of age at the time the offense was committed.

(2) The person is not more than four (4) years older than the victim.

(3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(4) The offense committed by the person was not any of the following:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014).*~~ ~~*(repealed).*~~ **(before its repeal).**

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(6) The person did not have a position of authority or substantial influence over the victim.

(7) The court finds that the person should not be considered a sexually violent predator.

SECTION 58. IC 35-38-1-17, AS AMENDED BY P.L.158-2013, SECTION 396, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) **This section does not apply to a credit restricted felon.**

(b) ~~At any time~~ **Not later than three hundred sixty-five (365) days** after:

(1) a convicted person begins serving the person's sentence; **and**

~~(2) a hearing is held:~~

~~(A) at which the convicted person is present; and~~

~~(B) of which the prosecuting attorney has been notified; and~~

~~(3)~~ **(2)** the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

(c) If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence, the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

~~(b)~~ **(d) If the court sets a hearing on a petition under this section,** the court must give notice ~~of the order to reduce or suspend the sentence under this section~~ to the prosecuting attorney and the **prosecuting attorney must give notice to the** victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

~~(c)~~ **(e)** The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

~~(d)~~ **(f)** The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

~~(e)~~ **(g)** The court is not required to conduct a hearing before reducing or suspending a sentence **under this section** if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(h) A convicted person may file a petition for sentence modification under this section:

(1) not more than one (1) time in any three hundred sixty-five (365) day period; and

(2) a maximum of two (2) times during any consecutive period of incarceration.

(i) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to sentence modification for any other reason, including failure to comply with the provisions of this section.

SECTION 59. IC 35-38-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, as a condition of probation a court may order an offender confined to the offender's home for a period of home detention lasting at least sixty (60) days.

(b) The period of home detention may be consecutive or nonconsecutive, as the court orders. However, the aggregate time actually spent in home detention must not exceed:

(1) the minimum term of imprisonment prescribed for a felony under IC 35-50-2; or

(2) the maximum term of imprisonment prescribed for a misdemeanor under IC 35-50-3;

for the crime committed by the offender.

(c) The court may order supervision of an offender's home detention to be provided by the probation department for the court or by a community corrections program that provides supervision of home detention.

(d) A person's term of confinement on home detention under this chapter is computed on the basis of the actual days the person spends on home detention **plus any earned credit time.**

(e) A person confined on home detention as a condition of probation ~~earns~~ **accrues one (1) day of** credit ~~for time served.~~ **for each day the person is confined on home detention.**

(f) In addition to credit accrued for time served under subsection (e), a person confined on home detention as a condition of probation is entitled to earn credit time under IC 35-50-6-3 and IC 35-50-6-3.1. A person confined on home detention as a condition of probation may not earn educational credit time under IC 35-50-6-3.3.

(g) A person confined on home detention may be deprived of earned credit time if the person violates a condition of probation.

SECTION 60. IC 35-38-2.6-6, AS AMENDED BY P.L.105-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this subsection, "home" means the actual living area of the temporary or permanent residence of a person.

(b) A person confined on home detention in a community corrections program accrues one (1) day of credit time for each day the person is confined on home detention, plus any earned credit time.

(c) In addition to credit accrued for time served under subsection (b), a person who is placed in a community corrections program under this chapter is entitled to earn credit time under ~~IC 35-50-6.~~ **IC 35-50-6-3 and IC 35-50-6-3.1. A person confined on home detention as part of a community corrections program may not earn educational credit time under IC 35-50-6-3.3.**

~~(b)~~ **(d)** A person who is placed in a community corrections program under this chapter may be deprived of earned credit time as provided under rules adopted by the department of correction under IC 4-22-2.

SECTION 61. IC 35-38-3-1, AS AMENDED BY P.L.158-2013, SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter:

"Earliest possible release date" means the date, computed as of the date of sentencing, on which a person would be entitled to discharge or release on parole considering:

(1) the term of the sentence;

(2) the term of any other concurrent or consecutive sentence that the person must serve;

(3) credit time that the person has earned before sentencing; and

(4) the maximum amount of credit time that the person would earn if the person remained in a Class I**, Class A,** or **Class B** credit time assignment during the person's period of commitment.

"Rated capacity" means the number of inmates that can be housed at the facility as determined by the most recent jail inspection report.

"Receiving authority" means:

(1) the department of correction;

(2) a sheriff, if incarceration is authorized in a county jail; or

(3) a facility or place designated by the department of correction.

SECTION 62. IC 35-38-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanant:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of consecutive misdemeanor sentences.

(c) After June 30, 2014, and before July 1, 2015, a court may not commit a person convicted of a Level 6 felony to the department of

correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After June 30, 2015, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(e) After June 30, 2014, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. The reimbursement:

(1) shall be reviewed by the budget committee; and

(2) is subject to approval by the budget agency.

SECTION 63. IC 35-41-4-2, AS AMENDED BY P.L.44-2013, SECTION 2, AND AS AMENDED BY P.L.158-2013, SECTION 407, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony *(for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014);* or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony *(for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014)* that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or

(2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

(c) A prosecution for a Class A felony *(for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014)* may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3(a) (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is

unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

(1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).

(2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).

(3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-14-48-9 is barred unless commenced within five (5) years after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense; or

(2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

(m) A prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:

(1) a Class A felony **(for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014);** *or*

(2) listed in subsection (e);

is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.

SECTION 64. IC 35-41-5-1, AS AMENDED BY P.L.247-2013, SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 408, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person attempts to commit a crime when, acting with the culpability required for commission of the crime, ~~he~~ *the person* engages in conduct that constitutes a substantial step toward commission of the crime. An attempt to commit a crime is a felony or misdemeanor of the same *level* **or** *class* as the crime attempted. However, an attempt to commit murder is a ~~*Class A*~~ *Level 1* felony.

(b) It is no defense that, because of a misapprehension of the circumstances, *including the age of the intended victim in a prosecution for attempted child molesting (IC 35-42-4-3),* it would have been impossible for the accused person to commit the crime attempted.

(c) For purposes of subsection (a), a person engages in conduct that constitutes a substantial step if the person, with the intent to commit a sex crime against a child or an individual the person believes to be a child:

(1) communicates with the child or individual the person believes to be a child concerning the sex crime; and

(2) travels to another location to meet the child or individual the person believes to be a child.

SECTION 65. IC 35-42-1-1, AS AMENDED BY P.L.158-2013, SECTION 35, AND AS AMENDED BY P.L.214-2013, SECTION 35, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product

tampering, criminal deviate conduct *(under IC 35-42-4-2* before its repeal), ~~*on July 1, 2014),*~~ kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking *(before its repeal);*

(3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(B) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);

(C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

SECTION 66. IC 35-42-3.5-1, AS AMENDED BY P.L.55-2013, SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 436, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

(1) to engage the other person in:

(A) forced labor; or

(B) involuntary servitude; or

(2) to force the other person into:

(A) marriage;

(B) prostitution; or

(C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking, a ~~*Class B*~~ *Level 4* felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:

(1) ~~*sixteen (16)*~~ *eighteen (18)* years of age with the intent of:

~~*(1)*~~ *(A)* engaging the child in:

~~*(A)*~~ *(i)* forced labor; or

~~(B)~~ *(ii)* involuntary servitude; or

~~(2)~~ *(B)* inducing or causing the child to:

~~(A)~~ *(i)* engage in prostitution; or

(ii) engage in a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) (child exploitation); or

~~(B)~~ *(2) sixteen (16) years of age with the intent of inducing or causing the child to* participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a ~~*Class B*~~ *Level 3* felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than ~~*sixteen (16)*~~ *eighteen (18)* years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a ~~*Class A*~~ *Level 2* felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

(1) forced labor;

(2) involuntary servitude; or

(3) prostitution;

commits human trafficking, a ~~*Class C*~~ *Level 5* felony.

(e) It is a defense to a prosecution under subsection ~~*(b)(2)(B)*~~ *(b)(2)* if:

(1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or

(2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

(i) was not committed by a person who is at least twenty-one (21) years of age;

(ii) was not committed by using or threatening the use of deadly force;

(iii) was not committed while armed with a deadly weapon;

(iv) did not result in serious bodily injury;

(v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 67. IC 35-42-4-1, AS AMENDED BY P.L.158-2013, SECTION 437, AND AS AMENDED BY P.L.214-2013, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with ~~*a member of the opposite sex*~~ *another person* or knowingly or intentionally causes another person to perform or submit to ~~*deviate sexual conduct*~~ *other sexual conduct (as defined in IC 35-31.5-2-221.5)* when:

(1) the other person is compelled by force or imminent threat of force;

(2) the other person is unaware that the sexual intercourse *or* ~~*deviate sexual conduct*~~ *other sexual conduct (as defined in IC 35-31.5-2-221.5)* is occurring; or

(3) the other person is so mentally disabled or deficient that consent to sexual intercourse *or* ~~*deviate sexual conduct*~~ *other sexual conduct (as defined in IC 35-31.5-2-221.5)* cannot be given;

commits rape, a ~~*Class B*~~ *Level 3* felony.

(b) An offense described in subsection (a) is a ~~*Class A*~~ *Level 1* felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon;

(3) it results in serious bodily injury to a person other than a defendant; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 68. IC 35-42-4-3, AS AMENDED BY P.L.158-2013, SECTION 439, AND AS AMENDED BY P.L.247-2013, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, *knowingly or intentionally* performs or submits to sexual intercourse or ~~*deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5)* commits child molesting, a ~~*Class B*~~ *Level 3* felony. However, the offense is a ~~*Class A*~~ *Level 1* felony if:

(1) it is committed by a person at least twenty-one (21) years of age;

(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;

(3) it results in serious bodily injury; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a ~~*Class C*~~ *Level 4* felony. However, the offense is a ~~*Class A*~~ *Level 2* felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in

IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) *A person may be convicted of attempted child molesting of an individual at least fourteen (14) years of age if the person believed the individual to be a child under fourteen (14) years of age at the time the person attempted to commit the offense.*

(d) It is a defense *to a prosecution under this section* that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

(1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;

(2) the offense results in serious bodily injury; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 69. IC 35-42-4-4, AS AMENDED BY P.L.214-2013, SECTION 38, AND AS AMENDED BY P.L.158-2013, SECTION 440, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The following definitions apply throughout this section:

(1) "Disseminate" means to transfer possession for free or for a consideration.

(2) "Matter" has the same meaning as in IC 35-49-1-3.

(3) "Performance" has the same meaning as in IC 35-49-1-7.

(4) "Sexual conduct" means ~~(A)~~ sexual intercourse*,* ~~(B)~~ ~~*deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5),* ~~(C),~~ exhibition of the ~~(i)~~ uncovered genitals ~~*or (ii) female breast with less than a fully opaque covering of any part of the nipple;*~~ intended to satisfy or arouse the sexual desires of any person, ~~(D)~~ sadomasochistic abuse, ~~(E)~~ sexual intercourse or ~~*deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5)* with an animal*,* or ~~(F)~~ any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who*:*

(1) knowingly or intentionally ~~(1)~~ manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;

(2) *knowingly or intentionally* disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age; ~~or~~

(3) *knowingly or intentionally* makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age; *or*

(4) with the intent to satisfy or arouse the sexual desires of any person:

(A) knowingly or intentionally:

(i) manages;

(ii) produces;

(iii) sponsors;

(iv) presents;

(v) exhibits;

(vi) photographs;

(vii) films;

(viii) videotapes; or

(ix) creates a digitized image of;

any performance or incident that includes the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

(B) knowingly or intentionally:

(i) disseminates to another person;

(ii) exhibits to another person;

(iii) offers to disseminate or exhibit to another person; or

(iv) sends or brings into Indiana for dissemination or exhibition;

matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female

breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age; or

(C) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts the uncovered genitals of a child less than eighteen (18) years of age or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than eighteen (18) years of age;

commits child exploitation, a ~~*Class C*~~ *Level 5* felony.

(c) A person who knowingly or intentionally possesses:

(1) a picture;

(2) a drawing;

(3) a photograph;

(4) a negative image;

(5) undeveloped film;

(6) a motion picture;

(7) a videotape;

(8) a digitized image; or

(9) any pictorial representation;

that depicts or describes sexual conduct by a child who the person knows is less than ~~*sixteen (16)*~~ *eighteen (18)* years of age or who appears to be less than ~~*sixteen (16)*~~ *eighteen (18)* years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a ~~*Class D*~~ *Level 6* felony.

(d) Subsections (b) and (c) do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

(e) It is a defense to a prosecution under this section that:

(1) the person is a school employee; and

(2) the acts constituting the elements of the offense were performed solely within the scope of the person's employment as a school employee.

(f) Except as provided in subsection (g), it is a defense to a prosecution under *subsection (b) or (c)* ~~*subsection (b)(1), subsection (b)(2), or subsection (c)*~~ if all of the following apply:

(1) A cellular telephone, another wireless or cellular communications device, or a social networking web site was used to possess, produce, or disseminate the image.

(2) The defendant is not more than four (4) years older or younger than the person who is depicted in the image or who received the image.

(3) The relationship between the defendant and the person who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The crime was committed by a person less than twenty-two (22) years of age.

(5) The person receiving the image or who is depicted in the image acquiesced in the defendant's conduct.

(g) The defense to a prosecution described in subsection (f) does not apply if:

(1) the person who receives the image disseminates it to a person other than the person:

(A) who sent the image; or

(B) who is depicted in the image;

(2) the image is of a person other than the person who sent the image or received the image; or

(3) the dissemination of the image violates:

(A) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(B) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(C) a workplace violence restraining order issued under IC 34-26-6;

(D) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its

repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
(E) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;
(F) a no contact order issued as a condition of probation;
(G) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
(H) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
(I) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
(J) an order issued in another state that is substantially similar to an order described in clauses (A) through (I);
(K) an order that is substantially similar to an order described in clauses (A) through (I) and is issued by an Indian:
(i) tribe;
(ii) band;
(iii) pueblo;
(iv) nation; or
(v) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
(L) an order issued under IC 35-33-8-3.2; or
(M) an order issued under IC 35-38-1-30.

(h) It is a defense to a prosecution under this section that:
(1) the person was less than eighteen (18) years of age at the time the alleged offense was committed; and
(2) the circumstances described in IC 35-45-4-6(a)(2) through IC 35-45-4-6(a)(4) apply.

(i) A person is entitled to present the defense described in subsection (h) in a pretrial hearing. If a person proves by a preponderance of the evidence in a pretrial hearing that the defense described in subsection (h) applies, the court shall dismiss the charges under this section with prejudice.

SECTION 70. IC 35-42-4-6, AS AMENDED BY P.L.158-2013, SECTION 442, AND AS AMENDED BY P.L.247-2013, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:

(1) in person;

(2) by telephone or wireless device;

(3) in writing;

(4) by using a computer network (as defined in IC 35-43-2-3(a));

(5) by advertisement of any kind; or

(6) by any other means;

to perform an act described in subsection (b) or (c).

(b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in ~~*(1)*~~ sexual intercourse*,* ~~*(2) deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5),* or ~~*(3)*~~ any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person, commits child solicitation, a ~~*Class D*~~ *Level 5* felony. ~~*However, the offense is*~~

~~*(1) a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)); and*~~

~~*(2) a Class B felony if the person*~~ **However, the offense is a Level 4 felony if the person** *solicits the child or individual the person believes to be a child under fourteen (14) years of age to engage in sexual intercourse or* ~~*deviate*~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5)** *and:*

~~*(A)*~~ **(1)** ~~*commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and*~~ **commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and** *travels to meet the child or individual the person believes to be a child; or*

~~*(B)*~~ **(2)** ~~*has a previous unrelated conviction for committing the an offense*~~ **has a previous unrelated conviction for committing an offense** ~~*by using a computer network (as defined in IC 35-43-2-3(a)*~~ *under this section.*

(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in

~~*(1)*~~ sexual intercourse,

~~*(2)*~~ ~~*deviate*~~ *other* sexual conduct *(as defined in IC 35-31.5-2-221.5),* or

~~*(3)*~~ any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person,

commits child solicitation, a ~~*Class D*~~ *Level 5* felony.

~~*However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).*~~

However, the offense is

~~*(1) a Class C felony if the person solicits the child or individual the person believes to be a child at least fourteen (14) but less than sixteen (16) years of age to engage in sexual intercourse or deviate sexual conduct and makes the solicitation by using a computer network (as defined in IC 35-43-2-3(a)); and*~~

~~*(2)*~~ *a* ~~*Class B*~~ **Level 4** *felony if the person solicits the child or individual the person believes to be a child at least fourteen (14) but less than sixteen (16) years of age to engage in sexual intercourse or* ~~*deviate*~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5),** *and:*

~~*(A)*~~ **(1)** *commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and travels to meet the child or individual the person believes to be a child; or*

~~*(B)*~~ **(2)** *has a previous unrelated conviction for committing* ~~*the*~~ *an offense* ~~*by using a computer network (as defined in IC 35-43-2-3(a)).*~~ *under this section.*

(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.

SECTION 71. IC 35-42-4-7, AS AMENDED BY P.L.208-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 443, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; or

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "mental health professional" means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or

(3) a psychiatrist.

~~(f)~~ *(g)* As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

~~(g)~~ *(h)* As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(i) For purposes of this section, a person has a "professional relationship" with a child if:

(1) the person:

(A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or

(B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and

(2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision (1)(B).

~~(h)~~ *(j)* As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

~~(i)~~ *(k)* As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

~~(j)~~ *(l)* As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

~~(k)~~ *(m)* If a person who:

(1) is at least eighteen (18) years of age; and

~~(2) is:~~

~~(A) the:~~

~~(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or~~

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

~~(ii) child care worker for; or~~

~~(B) a military recruiter who is attempting to enlist;~~

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

~~fondles or touches the child~~ *engages with the child in sexual intercourse,* ~~deviate~~ **other** *sexual conduct (as defined in* ~~IC 35-31.5-2-94),~~ **IC 35-31.5-2-221.5),** *or any fondling or touching* with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, ~~a felony.~~ *a Level 6 felony. However, the offense is a Level 5 felony if the person engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.*

(n) A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, ~~deviate~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5),** *or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;*

commits child seduction.

(o) A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

~~*(o)*~~ **(p)** *In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse,* ~~*deviate*~~ **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5),** *or any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person under* ~~*subsection (n),*~~ **this section,** *the trier of fact may consider one (1) or more of the following:*

(1) The age difference between the person and the child.

(2) Whether the person was in a position of trust with respect to the child.

(3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.

(4) The authority that the person had over the child.

(5) Whether the person exploited any particular vulnerability of the child.

(6) Any other evidence relevant to the person's ability to exert undue influence over the child.

~~*(p)*~~ **(q)** *Child seduction under this section is:*

(1) a ~~*Class D*~~ **Level 6** *felony if the person* **or law enforcement officer** *engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:*

(A) *the child; or*

(B) *the person* **or law enforcement officer;** *and*

(2) a ~~Class C~~ **Level 5** *felony if the person* **or law enforcement officer** *engaged in sexual intercourse or ~~deviate~~* **other** *sexual conduct* **(as defined in IC 35-31.5-2-221.5)** *with the child.*

SECTION 72. IC 35-42-4-11, AS AMENDED BY P.L.214-2013, SECTION 39, AND AS AMENDED BY P.L.158-2013, SECTION 447, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person is not the child's parent or guardian.

(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).

(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a ~~*Class D*~~ *Level 6* felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration **or parole, whichever occurs last** *(or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from* probation). ~~*or parole, whichever occurs last).*~~ A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 73. IC 35-42-4-12, AS AMENDED BY P.L.247-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 448, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section ~~*does not apply to a person to*~~ *applies only to a sex offender (as defined in IC 11-8-8-4.5).* ~~*whom all of the following apply:*~~

~~*(1) The person is not more than:*~~

~~*(A) four (4) years older than the victim if the offense was committed after June 30, 2007; or*~~

~~*(B) five (5) years older than the victim if the offense was committed before July 1, 2007.*~~

~~*(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.*~~

~~*(3) The crime:*~~

~~*(A) was not committed by a person who is at least twenty-one (21) years of age;*~~

~~*(B) was not committed by using or threatening the use of deadly force;*~~

~~*(C) was not committed while armed with a deadly weapon;*~~

~~*(D) did not result in serious bodily injury;*~~

~~*(E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and*~~

~~*(F) was not committed by a person having a position of authority or substantial influence over the victim.*~~

(b) A sex offender who knowingly or intentionally violates a:

(1) condition of probation;

(2) condition of parole; or

(3) rule of a community transition program;

that prohibits the offender from using a social networking web site or an instant messaging or chat room program to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a ~~*Class D*~~ **Level 6** *felony if the person has a prior unrelated conviction under this section.*

~~*(b) This section applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:*~~

~~*(1) found to be a sexually violent predator under IC 35-38-1-7.5; or*~~

~~*(2) convicted of one (1) or more of the following offenses:*~~

~~*(A) Child molesting (IC 35-42-4-3).*~~

~~*(B) Child exploitation (IC 35-42-4-4(b)).*~~

~~*(C) Possession of child pornography (IC 35-42-4-4(c)).*~~

~~*(D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).*~~

~~*(E) Sexual conduct in the presence of a minor IC 35-42-4-5(c)).*~~

~~*(F) Child solicitation (IC 35-42-4-6).*~~

~~*(G) Child seduction (IC 35-42-4-7).*~~

~~*(H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.*~~

~~*(I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).*~~

~~*(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).*~~

~~*(c) As used in this section, "instant messaging or chat room program" means a software program that requires a person to register or create an account, a username, or a password to become a member or registered user of the program and allows two (2) or more members or authorized users to communicate over the Internet in real time using typed text. The term does not include an electronic mail program or message board program.*~~

~~*(d) As used in this section, "social networking web site" means an Internet web site that:*~~

~~*(1) facilitates the social introduction between two (2) or more persons;*~~

~~*(2) requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members;*~~

~~*(3) allows a member to create a web page or a personal profile; and*~~

~~*(4) provides a member with the opportunity to communicate with another person.*~~

~~*The term does not include an electronic mail program or message board program.*~~

~~*(e) A person described in subsection (b) who knowingly or intentionally uses:*~~

~~*(1) a social networking web site; or*~~

~~*(2) an instant messaging or chat room program;*~~

~~*that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a Class D Level 6 felony if the person has a prior unrelated conviction under this section.*~~

~~*(f) It is a defense to a prosecution under this section that the person:*~~

~~*(1) did not know that the web site or program allowed a person who is less than eighteen (18) years of age to access or use the web site or program; and*~~

~~*(2) upon discovering that the web site or program allows a person who is less than eighteen (18) years of age to access or use the web site or program, immediately ceased further use or access of the web site or program.*~~

(c) It is a defense to a prosecution under subsection (b) that the person reasonably believed that the child was at least sixteen (16) years of age.

SECTION 74. IC 35-42-4-13, AS AMENDED BY P.L.247-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 449, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply to the following:

(1) A parent, guardian, or custodian of a child.

(2) A person who acts with the permission of a child's parent, guardian, or custodian.

(3) A person to whom a child makes a report of abuse or neglect.

(4) A person to whom a child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, ~~*deviate*~~ *other* sexual *conduct (as defined in IC 35-31.5-2-221.5),* or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least ~~*twenty-one (21)*~~ *eighteen (18)* years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is*:*

(1) a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a); *and*

(2) a ~~*Class D*~~ **Level 6** *felony if the person has a prior unrelated conviction for a sex offense (as defined in IC 11-8-8-5.2).*

SECTION 75. IC 35-43-1-1, AS AMENDED BY P.L.158-2013, SECTION 452, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

(1) a dwelling of another person without the other person's consent;

(2) property of any person under circumstances that endanger human life;

(3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars ($5,000); or

(4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Level 4 felony. However, the offense is a Level 3 felony if it results in bodily injury to any person other than a defendant and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Level 4 felony. However, the offense is:

(1) a Level 3 felony if it results in bodily injury to any other person; and

(2) a Level 2 felony if it results in serious bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a ~~Level 5~~ **Level 6** felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars ($250) but less than five thousand dollars ($5,000) commits arson, a Level 6 felony.

(e) A person who commits an offense under subsection (a), (b), (c), or (d) commits a separate offense for each person who suffers a bodily

injury or serious bodily injury that is caused by the violation of subsection (a), (b), (c), or (d).

SECTION 76. IC 35-43-1-7, AS ADDED BY P.L.158-2013, SECTION 458, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a)~~ A person who knowingly or intentionally and who without authorization:

(1) modifies data, a computer program, or supporting documentation;

(2) destroys data, a computer program, or supporting documentation; or

(3) discloses or takes data, a computer program, or supporting documentation that is:

(A) a trade secret (as defined in IC 24-2-3-2); or

(B) otherwise confidential as provided by law;

and that resides or exists internally or externally on a computer, computer system, or computer network, commits an offense against intellectual property, a Level 6 felony.

~~(b) However, the offense is a Level 5 felony if the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property.~~

SECTION 77. IC 35-43-4-2.5, AS AMENDED BY P.L.158-2013, SECTION 465, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:

(1) the vehicle's value or use; or

(2) a component part (as defined in IC 9-13-2-34) of the vehicle;

commits auto theft, a Level 6 felony. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (c).~~

(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a Level 6 felony. ~~However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection or subsection (b).~~

SECTION 78. IC 35-43-5-4.6, AS ADDED BY P.L.293-2013(ts), SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) The following definitions apply throughout this section:

(1) "Automated sales suppression device" means a software program:

(A) carried on a memory stick or removable compact disc;

(B) accessed through an Internet link; or

(C) accessed through any other means;

that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including transaction data and transaction reports.

(2) "Electronic cash register" means a device that keeps a register or supporting documents through the means of an electronic device or a computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in any manner.

(3) "Phantom-ware" means a hidden, a pre-installed, or an installed at a later time programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that:

(A) can be used to create a virtual second till; or

(B) may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register.

(4) "Transaction data" includes information regarding:

(A) items purchased by a customer;

(B) the price for each item;

(C) a taxability determination for each item;

(D) a segregated tax amount for each of the taxed items;

(E) the amount of cash or credit tendered;

(F) the net amount returned to the customer in change;

(G) the date and time of the purchase;

(H) the name, address, and identification number of the vendor; and

(I) the receipt or invoice number of the transaction.

(5) "Transaction report" means:

(A) a report that includes:
(i) the sales;
(ii) taxes collected;
(iii) media totals; and
(iv) discount voids;
at an electronic cash register that is printed on cash register tape at the end of a day or shift; or
(B) a report documenting every action at an electronic cash register that is stored electronically.
(6) "Zapper" refers to an automated sales suppression device.

(b) A person who knowingly or intentionally sells, purchases, installs, transfers, or possesses:
(1) an automated sales suppression device or a zapper; or
(2) phantom-ware;
after June 30, 2013, commits unlawful sale or possession of a transaction manipulation device, a ~~Class C~~ **Level 5** felony.

SECTION 79. IC 35-44.1-2-3, AS AMENDED BY P.L.292-2013, SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 503 IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:
(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
(2) there has been or there will be tampering with a consumer product introduced into commerce; or
(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;
knowing the report to be false, commits false reporting, a ~~*Class D*~~ *Level 6* felony.

(d) A person who:
(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false; ~~or~~

(6) makes a false report of a missing person, knowing the report or information is false; *or*

(7) gives a false report of actions, behavior, or conditions concerning a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to ~~an innocent~~ *another* person.

SECTION 80. IC 35-44.1-3-1, AS AMENDED BY P.L.172-2013, SECTION 11, AND AS AMENDED BY P.L.158-2013, SECTION 509, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law

enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) ~~*Class D*~~ *Level 6* felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) ~~*Class C*~~ *Level 5* felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) ~~*Class B*~~ *Level 3* felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person; and

(4) ~~*Class A*~~ *Level 2* felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

~~*(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.*~~

~~*(d)*~~ *(c)* If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(e)~~ *(d)* Notwithstanding ~~*IC 35-50-2-2*~~ *IC 35-50-2-2.2* and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~*(d)*~~ *(c)* may not be suspended.

~~*(f)*~~ *(e)* If a person is convicted of an offense involving the use of a motor vehicle under:

(1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) subsection (b)(2); or

(3) subsection (b)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or IC 9-30-4-6(d)(5). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(f) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

SECTION 81. IC 35-44.1-3-5, AS AMENDED BY P.L.5-2013, SECTION 1, AND AS AMENDED BY P.L.158-2013, SECTION 512, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) ~~*Except as provided in subsection (d),*~~ A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; *or*

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew;

commits trafficking with an inmate, a Class A misdemeanor. *However, the offense is a* ~~*Class C*~~ **Level 5** *felony under subdivision (1) or (2) if the article is a controlled substance, a deadly weapon, or a cellular telephone or other wireless or cellular communications device.*

(c) If:

(1) the person who committed the offense under subsection (b) is an employee of:

~~*(1)*~~ *(A)* the department of correction; or

~~*(2)*~~ *(B)* a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall ~~*impose a mandatory*~~ *order the person to pay a fine of at least five hundred dollars ($500) and not more than* five thousand ~~*dollar*~~ *dollars* ($5,000) ~~*fine*~~ under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2; *or*

(2) a person is convicted of committing a ~~*Class C*~~ **Level 5** *felony under subsection (b)(1) or (b)(2) because the article was a cellular telephone or other wireless or cellular communication device, the court shall order the person to pay a fine of at least five hundred dollars ($500) and not more than ten thousand dollars ($10,000) under IC 35-50-2-6(a) in addition to any term of imprisonment imposed on the person under IC 35-50-2-6(a).*

(d) A person who: ~~*without the prior authorization of the person in charge of a penal facility or juvenile facility, knowingly or intentionally possesses in, or carries or causes to be brought into, a penal facility or juvenile facility:*~~

~~*(1) a controlled substance;*~~

(1) is not an inmate of a penal facility or a child of a juvenile facility; and

(2) knowingly or intentionally possesses in, or carries or causes to be brought into, the penal facility or juvenile facility a deadly weapon *without the prior authorization of the person in charge of the penal facility or juvenile facility;* ~~or~~

~~(3) a cellular telephone or other wireless or cellular communications device;~~

commits ~~a class D felony trafficking with an inmate,~~ **carrying a deadly weapon into a correctional facility,** *a Level 5 felony.*

SECTION 82. IC 35-45-2-1, AS AMENDED BY P.L.123-2013, SECTION 3, AND AS AMENDED BY P.L.158-2013, SECTION 523, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of:

(A) causing:

~~(A)~~ *(i)* a dwelling, *a* building, or ~~another~~ *other* structure; or

~~(B)~~ *(ii)* a vehicle;

to be evacuated; *or*

(B) interfering with the occupancy of:

(i) a dwelling, building, or other structure; or

(ii) a vehicle;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) ~~Class D~~ *Level 6* felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

~~(ii) is a judge or bailiff of any court;~~

~~(iii)~~ *(ii)* is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

~~(iv)~~ *(iii)* is an employee of a *school or* school corporation;

~~(v)~~ *(iv)* is a community policing volunteer;

~~(vi)~~ *(v)* is an employee of a court;

~~(vii)~~ *(vi)* is an employee of a probation department; ~~or~~

~~(viii)~~ *(vii)* is an employee of a community corrections program;

(viii) is an employee of a hospital, church, or religious organization; or

(ix) is a person that owns a building or structure that is open to the public or is an employee of the person;

and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of the occupation, profession, employment status, or ownership status of the person;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) ~~Class C~~ *Level 5* felony if:

(A) while committing it, the person draws or uses a deadly weapon; *or*

(B) the person to whom the threat is communicated:

(i) is a judge or bailiff of any court; or

(ii) is a prosecuting attorney or a deputy prosecuting attorney.

(c) "Communicates" includes posting a message electronically, including on a social networking web site (as defined in IC 35-42-4-12(d)).

~~(c)~~ *(d)* "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

SECTION 83. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) This section applies only to a person to whom all of the following apply:**

(1) The person is less than eighteen (18) years of age.

(2) The person is not more than four (4) years older than the individual who is depicted in the image or who received the image.

(3) The relationship between the person and the individual who received the image or who is depicted in the image was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The individual receiving the image or who is depicted in the image acquiesced in the person's conduct.

(b) The following definitions apply throughout this section:

(1) "Disseminate" means to transfer possession for no direct or indirect consideration.

(2) "Matter" has the meaning set forth in IC 35-49-1-3.

(3) "Performance" has the meaning set forth in IC 35-49-1-7.

(4) "Sexual conduct" means sexual intercourse, other sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or other sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(c) A person who, on or by means of a cellular telephone, social media web site, or another wireless or cellular communications device, knowingly or intentionally:

(1) produces, presents, exhibits, photographs, records, or creates a digitized image of any performance or incident that includes sexual conduct by a child at least twelve (12) years of age;

(2) disseminates, exhibits to another person, or offers to disseminate or exhibit to another person, matter that depicts or describes sexual conduct by a child at least twelve (12) years of age; or

(3) possesses:

(A) a picture;

(B) a drawing;

(C) a photograph;

(D) a motion picture;

(E) a digitized image; or

(F) any pictorial representation;

that depicts or describes sexual conduct by a child at least twelve (12) years of age who the person knows is less than sixteen (16) years of age or who appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value;

commits indecent display by a youth, a Class A misdemeanor.

(d) Subsection (c) does not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of that school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

SECTION 84. IC 35-45-6-1, AS AMENDED BY P.L.196-2013, SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C *felony before July 1, 2014, or a Level 5* felony *after June 30, 2014* (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Human and sexual trafficking crimes (IC 35-42-3.5).

(9) Child exploitation (IC 35-42-4-4).

(10) Robbery (IC 35-42-5-1).

(11) Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**

(12) Arson (IC 35-43-1-1).

(13) Burglary (IC 35-43-2-1).

(14) Theft (IC 35-43-4-2).

(15) Receiving stolen property (IC 35-43-4-2).

(16) Forgery (IC 35-43-5-2).

(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).

(18) Bribery (IC 35-44.1-1-2).

(19) Official misconduct (IC 35-44.1-1-1).

(20) Conflict of interest (IC 35-44.1-1-4).

(21) Perjury (IC 35-44.1-2-1).
(22) Obstruction of justice (IC 35-44.1-2-2).
(23) Intimidation (IC 35-45-2-1).
(24) Promoting prostitution (IC 35-45-4-4).
(25) Professional gambling (IC 35-45-5-3).
(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
(27) Promoting professional gambling (IC 35-45-5-4).
(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).
(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, **or** salvia ~~or a synthetic cannabinoid~~ (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) A violation of any of the following:
(A) IC 23-14-48-9.
(B) IC 30-2-9-7(b).
(C) IC 30-2-10-9(b).
(D) IC 30-2-13-38(f).
(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).
(38) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

SECTION 85. IC 35-46-1-4, AS AMENDED BY P.L.193-2013, SECTION 6, AND AS AMENDED BY P.L.158-2013, SECTION 550, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

(1) places the dependent in a situation that endangers the dependent's life or health;

(2) abandons or cruelly confines the dependent;

(3) deprives the dependent of necessary support; or

(4) deprives the dependent of education as required by law;

commits neglect of a dependent, a ~~*Class D*~~ *Level 6* felony.

(b) However, the offense is:

(1) a ~~*Class C*~~ *Level 5* felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

(i) committed in a location where a person is violating IC 35-48-4-1 ~~*(delivery, financing, or manufacture of*~~ (*dealing in* cocaine or a narcotic drug) or IC 35-48-4-1.1 ~~*(delivery, financing, or manufacture of*~~ *(dealing in methamphetamine);* or

(ii) the result of a violation of IC 35-48-4-1 ~~*(delivery, financing, or manufacture of*~~ (dealing in cocaine or a narcotic drug) *or IC 35-48-4-1.1* ~~*(delivery, financing, or manufacture of*~~ *(dealing in methamphetamine);*

(2) a ~~*Class B*~~ *Level 3* felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a ~~*Class A*~~ *Level 1* felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and

(4) a ~~*Class C*~~ *Level 5* felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age

with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under section 9(b) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a ~~*Class D*~~ *Level 6* felony.

SECTION 86. IC 35-46-3-11, AS AMENDED BY P.L.161-2013, SECTION 8, AND AS AMENDED BY P.L.158-2013, SECTION 563, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who knowingly or intentionally:

(1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or

(2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;

commits a Class A misdemeanor.

(b) An offense under subsection (a)(1) is a ~~*Class D*~~ *Level 6* felony if the act results in:

(1) serious permanent disfigurement;

(2) unconsciousness;

(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or

(4) death;

of the law enforcement animal.

(c) It is a defense that the accused person:

(1) engaged in a reasonable act of training, handling, or discipline; and

(2) acted as an employee or agent of a law enforcement agency.

(d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court:

(1) may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of ~~*(1)*~~ veterinary bills; and

(2) *shall order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of* ~~*replacement costs of the animal*~~ *the cost of replacing the animal, which may include the cost of training the animal,* if the animal is *permanently* disabled or killed.

SECTION 87. IC 35-46-9-6, AS ADDED BY P.L.40-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat while:

(1) having an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) having a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) intoxicated;

commits a Class C misdemeanor.

(b) The offense is a ~~Class D~~ **Level 6** felony if:

(1) the person has a previous conviction under:

(A) IC 14-1-5 (repealed); or

(B) this chapter; or

(2) the offense results in serious bodily injury to another person.

(c) The offense is a ~~Class C~~ **Level 5** felony if the offense results in the death of another person.

(d) It is a defense to a prosecution under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1-24) who acted in the course of the practitioner's professional practice.

SECTION 88. IC 35-47-4-5, AS AMENDED BY P.L.158-2013, SECTION 590, AND AS AMENDED BY P.L.214-2013, SECTION 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery *(IC 35-42-2-1)* as a:

(A) Class A felony, ~~*(IC 35-42-2-1(a)(5)),*~~ *Class B felony, or Class C felony, for a crime committed before July 1, 2014; or (B)* ~~*Class B felony (IC 35-42-2-1(a)(4)); or*~~ *Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;*

~~*(C) Class C felony (IC 35-42-2-1(a)(3)),*~~

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

(7) criminal confinement (IC 35-42-3-3);

(8) rape (IC 35-42-4-1);

(9) criminal deviate conduct (IC 35-42-4-2) ~~(repealed);~~ **(before its repeal);**

(10) child molesting (IC 35-42-4-3);

(11) sexual battery *(IC 35-42-4-8)* as a:

(A) Class C felony, ~~*(IC 35-42-4-8)*~~ *for a crime committed before July 1, 2014; or*

(B) Level 5 felony, for a crime committed after June 30, 2014;

(12) robbery (IC 35-42-5-1);

(13) carjacking (IC 5-42-5-2) ~~*(repealed);*~~ **(before its repeal);**

(14) arson *(IC 35-43-1-1(a))* as a:

(A) Class A felony or Class B felony, ~~*(IC 35-43-1-1(a));*~~ *for a crime committed before July 1, 2014; or*

(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(15) burglary *(IC 35-43-2-1)* as a:

(A) Class A felony or Class B felony, ~~*(IC 35-43-2-1);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(16) assisting a criminal *(IC 35-44.1-2-5)* as a:

(A) Class C felony, ~~*(IC 35-44.1-2-5);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 5 felony, for a crime committed after June 30, 2014;

(17) resisting law enforcement *(IC 35-44.1-3-1)* as a:

(A) Class B felony or Class C felony, ~~*(IC 35-44.1-3-1);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(18) escape *(IC 35-44.1-3-4)* as a:

(A) Class B felony or Class C felony, ~~*(IC 35-44.1-3-4);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(19) trafficking with an inmate *(IC 35-44.1-3-5)* as a:

(A) Class C felony, ~~*(IC 35-44.1-3-5);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 5 felony, for a crime committed after June 30, 2014;

(20) criminal gang intimidation (IC 35-45-9-4);

(21) stalking *(IC 35-45-10-5)* as a:

(A) Class B felony or Class C felony, ~~*(IC 35-45-10-5);*~~ *for a crime committed before July 1, 2014; or*

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(22) incest (IC 35-46-1-3);

(23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(24) dealing in methamphetamine (IC 35-48-4-1.1);

(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(27) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a ~~*Class B*~~ *Level 4* felony.

SECTION 89. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who *knowingly or intentionally* possesses a firearm:

(1) in or on school property; *or*

~~*(2) in or on property that is being used by a school for a school function; or*~~

~~*(3)*~~ *(2)* on a school bus;

commits a ~~*Class D*~~ *Level 6* felony.

SECTION 90. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013, SECTION 619, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

(1) The person has a prior conviction, **in any jurisdiction,** for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, **including an attempt or conspiracy to commit the offense.**

(2) The person committed the offense while in possession of a firearm.

(3) The person committed the offense:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

(i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or

(ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

(5) The person manufactured or financed the manufacture of the drug.

(6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

SECTION 91. IC 35-48-4-1, AS AMENDED BY P.L.158-2013, SECTION 622, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through ~~(d)~~ **(e).**

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

~~(b)~~ **(c) The offense is a Level 4 felony if:**

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a ~~Level 4~~ **Level 3** felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a ~~Level 3~~ **Level 2** felony if:

(1) the amount of the drug involved is at least ten (10) ~~but less than twenty-eight (28)~~ grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d) The offense is a Level 2 felony if:~~

~~(1) the amount of the drug involved is at least twenty-eight (28) grams; or~~

~~(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.~~

SECTION 92. IC 35-48-4-1.1, AS AMENDED BY P.L.158-2013, SECTION 623, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through ~~(d)~~ **(e).**

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

~~(b)~~ **(c) The offense is a Level 4 felony if:**

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a ~~Level 4~~ **Level 3** felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a ~~Level 3~~ **Level 2** felony if:

(1) the amount of the drug involved is at least ten (10) ~~but less than twenty-eight (28)~~ grams; ~~or~~

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies;

~~(d) The offense is a Level 2 felony if:~~

~~(1) the amount of the drug involved is at least twenty-eight (28) grams;~~

~~(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies;~~ or

(3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.

SECTION 93. IC 35-48-4-2, AS AMENDED BY P.L.158-2013, SECTION 624, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;** or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;**

commits dealing in a schedule I, II, or III controlled substance, a ~~Level 5~~ **Level 6** felony, except as provided in subsections (b) through ~~(d).~~ **(f).**

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

~~(b)~~ **(c) The offense is a Level 5 felony if:**

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(f)** The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 94. IC 35-48-4-3, AS AMENDED BY P.L.158-2013, SECTION 625, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule IV; or

(2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV;

commits dealing in a schedule IV controlled substance, a ~~Level 6 felony~~ **Class A misdemeanor**, except as provided in subsections (b) through ~~(d).~~ **(f).**

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture or deliver the controlled substance.

~~(b)~~ **(c) The offense is a Level 6 felony if:**

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(f)** The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 95. IC 35-48-4-4, AS AMENDED BY P.L.158-2013, SECTION 626, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a ~~Class A~~ **Class B** misdemeanor, except as provided in subsections (b) through ~~(d).~~ **(f).**

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

~~(b)~~ **(c) The offense is a Class A misdemeanor if:**

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

~~(c)~~ **(e)** The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

~~(d)~~ **(f)** The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 96. IC 35-48-4-4.6, AS AMENDED BY P.L.158-2013, SECTION 629, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) A person who knowingly or intentionally:

(1) manufactures;

(2) finances the manufacture of;

(3) advertises;

(4) distributes; or

(5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;

a substance described in section 4.5 of this chapter commits a Level 5 felony.

(b) A person may be convicted of an offense under subsection (a)(5) only if there is evidence in addition to the weight of the substance that the person intended to manufacture, finance the manufacture of, advertise, or distribute the substance.

~~(b)~~ **(c)** A person who knowingly or intentionally possesses a substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

~~(c)~~ **(d)** In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

~~(d)~~ **(e)** This section does not apply to the following:

(1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.

(2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.

(3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

SECTION 97. IC 35-48-4-5, AS AMENDED BY P.L.158-2013, SECTION 630, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who:

(1) knowingly or intentionally:

(A) creates;

(B) delivers; or

(C) finances the delivery of;

a counterfeit substance; or

(2) possesses, with intent to:

(A) deliver; or

(B) finance the delivery of;

a counterfeit substance;

commits dealing in a counterfeit substance, a Level 6 felony. **However, a person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the counterfeit substance that the person intended to deliver or finance the delivery of the counterfeit substance.**

SECTION 98. IC 35-48-4-6, AS AMENDED BY P.L.158-2013, SECTION 631, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 99. IC 35-48-4-6.1, AS AMENDED BY P.L.158-2013, SECTION 632, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams; or

(2) the amount of the drug involved is less than ~~three (3)~~ **five (5)** grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ~~three (3)~~ **five (5)** but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is more than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 100. IC 35-48-4-10, AS AMENDED BY P.L.196-2013, SECTION 21, AND AS AMENDED BY P.L.158-2013, SECTION 637, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ pure or adulterated;

commits dealing in marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ a Class A misdemeanor, except as provided in ~~*subsection*~~ *subsections* (b) *through* ~~*(c).*~~ **(d).**

~~*(b) The offense is:*~~

~~*(1) a Class D felony if:*~~

~~*(A) the recipient or intended recipient is under eighteen (18) years of age;*~~

~~*(B) the amount involved is:*~~

~~*(i) more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, or salvia; or*~~

~~*(ii) more than two (2) grams of a synthetic drug; or*~~

~~*(C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic drug; and*~~

~~*(2) a Class C felony if:*~~

~~*(A) the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil,*~~

~~*hashish, or salvia, or the person delivered or financed the delivery of marijuana, hash oil, hashish, or salvia:*~~

~~*(i) on a school bus; or*~~

~~*(ii) in, on, or within one thousand (1,000) feet of, school property, a public park, a family housing complex, or a youth program center; or*~~

~~*(B) the amount involved is more than two (2) grams of a synthetic drug and the person delivered or financed the delivery of the synthetic drug:*~~

~~*(i) on a school bus; or*~~

~~*(ii) in, on, or within one thousand (1,000) feet of school property, a public park, a family housing complex, or a youth program center.*~~

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

~~*(b)*~~ **(c)** *The offense is a Level 6 felony if:*

(1) the person has a prior conviction for a drug offense and the amount of the drug involved is:

(A) less than thirty (30) grams of marijuana; or

(B) less than ~~*two (2)*~~ **five (5)** *grams of hash oil, hashish,* **or** *salvia;* ~~*or a synthetic drug;*~~ *or*

(2) the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least ~~*two (2)*~~ **five (5)** *grams but less than three hundred (300) grams of hash oil, hashish,* **or** *salvia.* ~~*or a synthetic drug.*~~

~~*(c)*~~ **(d)** *The offense is a Level 5 felony if:*

(1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least ~~*two (2)*~~ **five (5)** *grams but less than three hundred (300) grams of hash oil, hashish,* **or** *salvia;* ~~*or a synthetic drug;*~~ *or*

(2) the:

(A) amount of the drug involved is:

(i) at least ten (10) pounds of marijuana; or

(ii) at least three hundred (300) grams of hash oil, hashish, **or** *salvia; ~~or a synthetic drug;~~ or*

(B) offense involved a sale to a minor.

SECTION 101. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. (a) A person who:

(1) manufactures;

(2) finances the manufacture of;

(3) delivers;

(4) finances the delivery of;

(5) possesses, with intent to deliver; or

(6) possesses, with intent to finance the delivery of;

a synthetic drug or a synthetic drug lookalike substance commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed knowingly or intentionally and the person has a prior unrelated judgment or conviction under this subsection.

(b) A person may be adjudicated or convicted of an infraction or offense under subsection (a)(5) or (a)(6) only if there is evidence in addition to the weight of the synthetic drug or synthetic drug lookalike substance that the person intended to deliver or finance the delivery of the synthetic drug or synthetic drug lookalike substance.

~~(b)~~ **(c)** A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a synthetic drug or synthetic drug lookalike substance; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a synthetic drug or synthetic drug lookalike substance;

commits dealing in a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor, except as provided in ~~subsection~~ **subsections (d) through (e).** ~~(c).~~

(d) A person may be convicted of an offense under subsection (c)(2) only if there is evidence in addition to the weight of the synthetic drug or synthetic drug lookalike substance that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the synthetic drug or synthetic drug lookalike substance.

~~(c)~~ **(e)** The offense in subsection ~~(b)~~ **(c)** is:

(1) a ~~Class D~~ **Level 6** felony if:

(A) the recipient or intended recipient is less than eighteen (18) years of age;

(B) the amount involved is more than ~~two (2)~~ **five (5)** grams; or

(C) the person has a prior conviction of an offense involving a synthetic drug or synthetic drug lookalike substance; and

(2) a ~~Class C~~ **Level 5** felony if the amount involved is more than ~~two (2)~~ **five (5)** grams and the person delivered or financed the delivery of the synthetic drug or synthetic drug lookalike substance:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

(i) school property; or

(ii) a public park;

while a person under eighteen (18) years of age was reasonably expected to be present.

~~(d)~~ **(f)** In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:

(1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) year if the person's violation of this section resulted in a criminal conviction; and

(2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed an infraction.

~~(c)~~ **(g)** The department of state revenue shall suspend the registered retail merchant certificate of a retail merchant in accordance with the recommendation of the court. Whenever the department of state revenue is required to suspend a retail merchant's registered retail merchant certificate under this section, the department shall immediately mail a notice to the retail merchant's address that must state that the retail merchant's registered retail merchant certificate will be suspended for the period recommended by the court, commencing five (5) days after the date of the notice.

SECTION 102. IC 35-48-4-11, AS AMENDED BY P.L.196-2013, SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. *(a)* A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, *or* salvia; ~~or a synthetic drug;~~

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, *or* salvia, ~~*or a synthetic drug,*~~ a ~~*Class A*~~ *Class B* misdemeanor, *except as provided in subsections (b) through (c).* ~~*However, the offense is a Class D felony if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, or salvia, or a synthetic drug, or if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, or salvia, or a synthetic drug.*~~

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least two (2) grams of hash oil, hashish, or salvia;

in any thirty (30) day period. ~~*or a synthetic drug.*~~

SECTION 103. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.5. (a) As used in this section, "synthetic drug lookalike substance" has the meaning set forth in IC 35-31.5-2-321.5(a)(2).

(b) A person who possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class B infraction.

(c) A person who knowingly or intentionally possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.

SECTION 104. IC 35-48-4-12, AS AMENDED BY P.L.196-2013, SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic drug *or* **a** *synthetic drug lookalike substance* as a ~~*Class A*~~ misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under ~~*such*~~ conditions ~~*as*~~ *determined by* the court. ~~*determines.*~~ Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 105. IC 35-48-4-14.5, AS AMENDED BY P.L.193-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 643, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

(1) Ephedrine.

(2) Pseudoephedrine.

(3) Phenylpropanolamine.
(4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
(5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
(6) Organic solvents.
(7) Hydrochloric acid.
(8) Lithium metal.
(9) Sodium metal.
(10) Ether.
(11) Sulfuric acid.
(12) Red phosphorous.
(13) Iodine.
(14) Sodium hydroxide (lye).
(15) Potassium dichromate.
(16) Sodium dichromate.
(17) Potassium permanganate.
(18) Chromium trioxide.
(19) Benzyl cyanide.
(20) Phenylacetic acid and its esters or salts.
(21) Piperidine and its salts.
(22) Methylamine and its salts.
(23) Isosafrole.
(24) Safrole.
(25) Piperonal.
(26) Hydriodic acid.
(27) Benzaldehyde.
(28) Nitroethane.
(29) Gamma-butyrolactone.
(30) White phosphorus.
(31) Hypophosphorous acid and its salts.
(32) Acetic anhydride.
(33) Benzyl chloride.
(34) Ammonium nitrate.
(35) Ammonium sulfate.
(36) Hydrogen peroxide.
(37) Thionyl chloride.
(38) Ethyl acetate.

(39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a ~~*Class D*~~ *Level 6* felony. However, the offense is a ~~*Class C*~~ *Level 5* felony if the person possessed:

(1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or

(2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within ~~*one thousand (1,000)*~~ *five hundred (500)* feet of:

(A) school property *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park *while a person under eighteen (18) years of age was reasonably expected to be present.*

~~*(C) a family housing complex; or*~~

~~*(D) a youth program center.*~~

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a ~~*Class D*~~ *Level 6* felony. However, the offense is a ~~*Class C*~~ *Level 5* felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or

(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within ~~*one thousand (1,000)*~~ *five hundred (500)* feet of:

(A) school property *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park *while a person under eighteen (18) years of age was reasonably expected to be present.*

~~*(C) a family housing complex; or*~~

~~*(D) a youth program center.*~~

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

(A) the location in which the substance is stored;

(B) the possession of the substance in a variety of:

(i) strengths;

(ii) brands; or

(iii) types; or

(C) the possession of the substance:

(i) with different expiration dates; or

(ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a ~~*Class D*~~ *Level 6* felony.

(f) An offense under subsection (e) is a ~~*Class C*~~ *Level 5* felony if the person possessed:

(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or

(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within ~~*one thousand (1,000)*~~ *five hundred (500)* feet of:

(A) school property *while a person under eighteen (18) years of age was reasonably expected to be present; or*

(B) a public park *while a person under eighteen (18) years of age was reasonably expected to be present.*

~~*(C) a family housing complex; or*~~

~~*(D) a youth program center.*~~

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a ~~*Class D*~~ *Level 6* felony. *However, the offense is a* ~~*Class C*~~ **Level 5** *felony if the*

person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

(1) has been convicted of:

(A) dealing in methamphetamine (IC 35-48-4-1.1);

(B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));

(C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));

(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or

(E) unlawful sale of a precursor (subsection (g)); and

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a ~~Class D~~ **Level 6** *felony.*

SECTION 106. IC 35-49-3-1, AS AMENDED BY P.L.214-2013, SECTION 41, AND AS AMENDED BY P.L.158-2013, SECTION 646, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A person who knowingly or intentionally:

(1) sends or brings into Indiana obscene matter for sale or distribution; or

(2) offers to distribute, distributes, or exhibits to another person obscene matter;

commits a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if the obscene matter depicts or describes sexual conduct involving any person who is or appears to be under ~~*sixteen (16)*~~ *eighteen (18)* years of age.

SECTION 107. IC 35-49-3-2, AS AMENDED BY P.L.214-2013, SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION 647, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person who knowingly or

intentionally engages in, participates in, manages, produces, sponsors, presents, exhibits, photographs, films, or videotapes any obscene performance commits a Class A misdemeanor. However, the offense is a ~~*Class D*~~ *Level 6* felony if the obscene performance depicts or describes sexual conduct involving any person who is or appears to be under ~~*sixteen (16)*~~ *eighteen (18)* years of age.

SECTION 108. IC 35-50-1-2, AS AMENDED BY P.L.214-2013, SECTION 43, AND AS AMENDED BY P.L.158-2013, SECTION 650, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) ~~*(before its repeal on July 1, 2014).*~~ ~~*(repealed).*~~ **(before its repeal).**

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a ~~*Class A*~~ *Level 1* felony under IC 35-42-4-9(a)(2) or a ~~*Class B*~~ *Level 2* felony under IC 35-42-4-9(b)(2).

(12) Robbery as a ~~*Class A*~~ *Level 2* felony or a ~~*Class B*~~ *Level 3* felony (IC 35-42-5-1).

(13) Burglary as a ~~*Class A*~~ **Level 1 felony,** *Level 2* felony, *Level 3 felony,* or ~~*Class B*~~ *Level 4* felony (IC 35-43-2-1).

(14) Operating a vehicle while intoxicated causing death (IC 9-30-5-5).

(15) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).

(16) Resisting law enforcement as a felony. (IC 35-44.1-3-1).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 **(before its repeal)** to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

SECTION 109. IC 35-50-2-0.1, AS AMENDED BY P.L.158-2013, SECTION 651, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments described in section 0.2 of this chapter apply as described in section 0.2 of this chapter.

(2) The amendments made to sections 3 and 9 of this chapter by P.L.332-1987 do not apply to a case in which a death sentence has been imposed before September 1, 1987.
(3) The amendments made to sections 3 and 9 of this chapter by P.L.250-1993 apply only to murders committed after June 30, 1993.
(4) The amendments made to section 2 of this chapter by P.L.11-1994 **(before the repeal of section 2 of this chapter)** apply only to an offender (as defined in IC 5-2-12-4, as added by P.L.11-1994 and before its repeal) convicted after June 30, 1994.
(5) The amendments made to section 8 of this chapter by P.L.166-2001 apply only if the offense for which the state seeks to have the person sentenced as a habitual offender was committed after June 30, 2001.
(6) The amendments made to section 1 of this chapter by P.L.243-2001 apply to crimes committed on and after May 11, 2001. It is the intent of the general assembly that section 1 of this chapter, as it applies to crimes committed before May 11, 2001, be construed without drawing any inference from the passage of P.L.243-2001.
(7) The amendments made to section 8(b)(3) of this chapter by P.L.291-2001) (before its deletion on July 1, 2014) apply only if the last offense for which the state seeks to have the person sentenced as a habitual offender was committed after June 30, 2001.
(8) The amendments made to section 10 of this chapter by P.L.291-2001 **(before the repeal of section 10 of this chapter)** apply only if the last offense for which the state seeks to have the person sentenced as a habitual substance offender was committed after June 30, 2001. However, a prior unrelated conviction committed before, on, or after July 1, 2001, may be used to qualify an offender as a habitual offender under section 8 of this chapter or as a habitual substance offender under section 10 of this chapter.
(9) The amendments made to section 1 of this chapter by P.L.291-2001 apply to crimes committed on and after May 11, 2001. It is the intent of the general assembly that section 1 of this chapter, as it applies to crimes committed before May 11, 2001,

be construed without drawing any inference from the passage of P.L.291-2001.

(10) The amendments made to section 9 of this chapter by P.L.80-2002 apply only to a conviction for murder that occurs after March 20, 2002, including a conviction entered as a result of a retrial of a person, regardless of when the offense occurred.

SECTION 110. IC 35-50-2-1.3, AS AMENDED BY P.L.178-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.3. (a) For purposes of sections 3 through 7 of this chapter, "advisory sentence" means a guideline sentence that the court may voluntarily consider ~~as the midpoint between the maximum sentence and the minimum~~ **when imposing a** sentence.

(b) Except as provided in subsection (c), a court is not required to use an advisory sentence.

(c) In imposing:

(1) consecutive sentences for felony convictions that are not crimes of violence (as defined in IC 35-50-1-2(a)) arising out of an episode of criminal conduct, in accordance with IC 35-50-1-2; **or**

~~(2) an additional fixed term to an habitual offender under section 8 of this chapter; or~~

~~(3)~~ **(2)** an additional fixed term to a repeat sexual offender under section 14 of this chapter;

a court is required to use the appropriate advisory sentence in imposing a consecutive sentence or an additional fixed term. However, the court is not required to use the advisory sentence in imposing the sentence for the underlying offense.

(d) This section does not require a court to use an advisory sentence in imposing consecutive sentences for felony convictions that do not arise out of an episode of criminal conduct.

SECTION 111. IC 35-50-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) Except as provided in subsection (b), ~~or section 2 of this chapter,~~ the court may not suspend a sentence for a felony for a person with a juvenile record when:

(1) the juvenile record includes findings that the juvenile acts, if committed by an adult, would constitute:

(A) one (1) Class A or Class B felony;

(B) two (2) Class C or Class D felonies; ~~or~~

(C) one (1) Class C and one (1) Class D felony;

(D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;

(E) two (2) Level 5 or Level 6 felonies; or

(F) one (1) Level 5 and one (1) Level 6 felony; and

(2) less than three (3) years have elapsed between commission of the juvenile acts that would be felonies if committed by an adult and the commission of the felony for which the person is being sentenced.

(b) Notwithstanding subsection (a), the court may suspend any part of the sentence for a felony ~~except as provided in section 2 of this chapter~~, if it finds that:

(1) the crime was the result of circumstances unlikely to recur;

(2) the victim of the crime induced or facilitated the offense;

(3) there are substantial grounds tending to excuse or justify the crime, though failing to establish a defense; or

(4) the acts in the juvenile record would not be Class A, ~~or~~ Class B, **Level 1, Level 2, Level 3, or Level 4** felonies if committed by an adult, and the convicted person is to undergo home detention under IC 35-38-1-21 instead of the minimum sentence specified for the crime under this chapter.

SECTION 112. IC 35-50-2-2.2, AS ADDED BY P.L.158-2013, SECTION 654, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) Except as provided in subsection (b) or (c) the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of ~~a Level 1 felony or~~ a Level 2 felony **or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4,** and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

(1) ~~Level 1~~ **Level 2** felony; or

(2) ~~Level 2~~ **Level 3** felony.

(c) The court may suspend only that part of a sentence for murder **or a Level 1 felony conviction** that is in excess of the minimum sentence for murder **or the Level 1 felony conviction.**

SECTION 113. IC 35-50-2-4, AS AMENDED BY P.L.158-2013, SECTION 655, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** A person who commits a Class A felony (for a crime committed before July 1, 2014) ~~or a Level 1 felony (for a crime committed after June 30, 2014)~~ shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 114. IC 35-50-2-5, AS AMENDED BY P.L.158-2013, SECTION 657, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person who commits a Class B felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and ~~twenty (20)~~ **sixteen (16)** years, with the advisory sentence being ~~six (6)~~ **nine (9)** years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 115. IC 35-50-2-5.5, AS ADDED BY P.L.158-2013, SECTION 658, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being ~~four (4)~~ **six (6)** years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 116. IC 35-50-2-6, AS AMENDED BY SEA 63-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who commits a Class C felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory sentence being ~~two (2)~~ **three (3)** years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(c) Notwithstanding subsections (a) and (b), if a person commits nonsupport of a child as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014) under IC 35-46-1-5, the sentencing court may convert the Class C felony conviction to a Class D felony conviction or a Level 5 felony conviction to a Level 6 felony conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing in which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person has successfully completed probation as required by the person's sentence.

(2) The person has satisfied other obligations imposed on the person as required by the person's sentence.

(3) The person has paid in full all child support arrearages due that are named in the information and no further child support arrearage is due.

(4) The person has not been convicted of another felony since the person was sentenced for the underlying nonsupport of a child felony.

(5) There are no criminal charges pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth the following:

(1) A statement that the person was convicted of nonsupport of a child under IC 35-46-1-5.

(2) The date of the conviction.

(3) The date the person completed the person's sentence.

(4) The amount of the child support arrearage due at the time of conviction.

(5) The date the child support arrearage was paid in full.

(6) A verified statement that no further child support arrearage is due.

(7) Any other obligations imposed on the person as part of the person's sentence.

(8) The date the obligations were satisfied.

(9) A verified statement that there are no criminal charges pending against the person.

(e) A person whose conviction has been converted to a lower penalty under this section is eligible to seek expungement under IC 35-38-9-3 with the date of conversion used as the date of conviction to calculate time frames under IC 35-38-9.

SECTION 117. IC 35-50-2-7, AS AMENDED BY P.L.159-2013, SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 660, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who commits a Class D felony *(for a crime committed before July 1, 2014)* shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) *A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 1/2) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars ($10,000).*

(c) Notwithstanding ~~*subsection*~~ *subsections* (a) *and (b),* if a person has committed a Class D felony *(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014),* the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony *(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)* if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony *(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)* under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

~~(c)~~ *(d)* Notwithstanding ~~subsection~~ *subsections* (a) *and (b),* the sentencing court may convert a Class D felony conviction *(for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014)* to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection ~~(d)~~ *(e)* and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony *(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)* that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D *or Level 6* felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the *Class D or Level 6* felony.

(6) No criminal charges are pending against the person.

~~(d)~~ *(e)* A petition filed under *subsection* ~~subsections~~ ~~(c)~~ *(d) or* ~~(e)~~ **(f)** must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.

~~(e)~~ *(f)* If a person whose Class D *or Level 6* felony conviction has been converted to a Class A misdemeanor conviction under subsection ~~(c)~~ *(d)* is convicted of a felony ~~within~~ *not later than* five (5) years after the conversion under subsection ~~(c),~~ *(d),* a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction *(for a crime committed before July 1, 2014)* or a Level 6 felony conviction *(for a crime committed after June 30, 2014)*.

SECTION 118. IC 35-50-2-8, AS AMENDED BY P.L.158-2013, SECTION 661, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state may seek to have a person sentenced as a habitual offender for a felony by alleging, on one (1) or more pages separate from the rest of the charging instrument, that the person has accumulated the required number of prior unrelated felony convictions in accordance with this section.

(b) A person convicted of murder or of a Level 1 through Level 4 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies; and

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony.

(c) A person convicted of a Level 5 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies;

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony; and

(3) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(d) A person convicted of a Level 6 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of three (3) prior unrelated felonies; and

(2) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(e) The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if the current offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction. However, a prior unrelated felony conviction may be used to support a habitual offender determination even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense.

(f) A person has accumulated two (2) or three (3) prior unrelated felony convictions for purposes of this section only if:

(1) the second prior unrelated felony conviction was committed after commission of and sentencing for the first prior unrelated felony conviction;

(2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after commission of and sentencing for the second prior unrelated felony conviction; and

(3) for a conviction requiring proof of three (3) prior unrelated felonies, the third prior unrelated felony conviction was

committed after commission of and sentencing for the second prior unrelated felony conviction.

(g) A conviction does not count for purposes of this section as a prior unrelated felony conviction if:

(1) the conviction has been set aside; or

(2) the conviction is one for which the person has been pardoned.

(h) If the person was convicted of the felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3. The role of the jury is to determine whether the defendant has been convicted of the unrelated felonies. The state or defendant may not conduct any additional interrogation or questioning of the jury during the habitual offender part of the trial.

(i) The court shall sentence a person found to be a habitual offender to an additional fixed term that is between:

(1) ~~zero (0)~~ **six (6) years** and twenty (20) years, for a person convicted of murder or a Level 1 through Level 4 felony; or

(2) ~~zero (0)~~ **two (2) years** and six (6) years, for a person convicted of a Level 5 or Level 6 felony.

An additional term imposed under this subsection is nonsuspendible.

(j) Habitual offender is a status that results in an enhanced sentence. It is not a separate crime and does not result in a consecutive sentence. The court shall attach the habitual offender enhancement to the felony conviction with the highest sentence imposed and specify which felony count is being enhanced. If the felony enhanced by the habitual offender determination is set aside or vacated, the court shall resentence the person and apply the habitual offender enhancement to the felony conviction with the next highest sentence in the underlying cause, if any.

(k) A prior unrelated felony conviction may not be collaterally attacked during a habitual offender proceeding unless the conviction is constitutionally invalid.

(l) The procedural safeguards that apply to other criminal charges, including:

(1) the requirement that the charge be filed by information or indictment; and

(2) the right to an initial hearing;

also apply to a habitual offender allegation.

SECTION 119. IC 35-50-2-9, AS AMENDED BY P.L.158-2013, SECTION 663, AND AS AMENDED BY P.L.214-2013, SECTION 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with mental retardation.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).

(D) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ **(before its repeal).**

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**

(I) Criminal gang activity (IC 35-45-9-3).

(J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

(K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure *a* person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

(A) the victim was acting in the course of duty; or

(B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was:

(A) under the custody of the department of correction;

(B) under the custody of a county sheriff;

(C) on probation after receiving a sentence for the commission of a felony; or

(D) on parole;

at the time the murder was committed.

(10) The defendant dismembered the victim.

(11) The defendant burned, mutilated, or tortured the victim while the victim was alive.

(12) The victim of the murder was less than twelve (12) years of age.

(13) The victim was a victim of any of the following offenses for which the defendant was convicted:

(A) Battery *committed before July 1, 2014,* as a Class D felony or as a Class C felony under IC 35-42-2-1 *or battery committed after June 30, 2014, as a Level 6 felony, a Level 5 felony,* **a Level 4 felony,** *or a Level 3 felony.*

(B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as

described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider

the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

(A) Constitution of the State of Indiana; or

(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

(A) exceeds the maximum sentence authorized by law; or

(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not

make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

(1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and

(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

SECTION 120. IC 35-50-6-3, AS AMENDED BY P.L.158-2013, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section applies to a person ~~convicted~~ **who commits an offense** before July 1, 2014.

(b) A person assigned to Class I earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class II earns one (1) day of credit time for every two (2) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class III earns no credit time.

(e) A person assigned to Class IV earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 121. IC 35-50-6-3.1, AS ADDED BY P.L.158-2013, SECTION 668, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.1. (a) This section applies to a person ~~convicted~~ **who commits an offense** after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(b)~~ **(c)** A person assigned to ~~Class A~~ **Class B** earns one (1) day of credit time for every three (3) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(c)~~ **(d)** A person assigned to ~~Class B~~ **Class C** earns one (1) day of credit time for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(d)~~ **(e)** A person assigned to ~~Class C~~ **Class D** earns no credit time.

SECTION 122. IC 35-50-6-3.3, AS AMENDED BY P.L.158-2013, SECTION 669, AND AS AMENDED BY P.L.214-2013, SECTION 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

(1) is in credit Class I, ~~*or*~~ *Class A*, **or Class B;**

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection ~~(n),~~ **(o),** a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An ~~*associate's*~~ *associate* degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) *earned during the person's incarceration*.

(D) A ~~*bachelor's*~~ *bachelor* degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) *earned during the person's incarceration*.

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I, ~~*or*~~ *Class A*, **or Class B;**

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical *or vocational* education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformative program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study. *The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.*

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(2) One (1) year for graduation from high school.

(3) ~~*One*~~ *Not more than one* (1) year for completion of an ~~*associate's*~~ *associate* degree.

(4) ~~*Two*~~ *Not more than two* (2) years for completion of a ~~*bachelor's*~~ *bachelor* degree.

(5) Not more than a total of ~~*six (6) months*~~ *one (1) year* of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

(7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformative programs approved by the department of correction. However, a person who is serving a sentence for an

offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical *or vocational* education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical **or vocational** education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

~~(e)~~ *(f)* Credit time earned by a person under this section is subtracted from the *release date that would otherwise apply to* ~~*period of imprisonment imposed on*~~ the person *by the sentencing court* after subtracting all other credit time earned by the person.

~~(f)~~ *(g)* A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

~~(g)~~ *(h)* A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

~~(h)~~ *(i)* Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ **(before its repeal).**

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor *(IC 35-42-4-9)* as a:

(i) Class A felony, Class B felony, or Class C felony ~~*(IC 35-42-4-9)*~~; *for a crime committed before July 1, 2014; or*

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

~~*(i)*~~ *(j)* The maximum amount of credit time a person may earn under this section is the lesser of:

(1) ~~*four (4)*~~ *two (2)* years; or

(2) one-third (1/3) of the person's total applicable credit time.

~~*(j)*~~ *(k)* Credit time earned under this section by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

~~*(k)*~~ *(l)* A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

~~*(l)*~~ *(m)* A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

~~(m)~~ *(n)* A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

~~(n)~~ *(o)* For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

SECTION 123. IC 35-50-6-4, AS AMENDED BY P.L.158-2013, SECTION 670, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a) A person:**

(1) who is not a credit restricted felon; and

(2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor;

is initially assigned to Class A.

~~(a)~~ **(b)** A person:

(1) who is not a credit restricted felon; and

(2) who is imprisoned for a crime **other than a Level 6 felony or misdemeanor** or imprisoned awaiting trial or sentencing **for a crime other than a Level 6 felony or misdemeanor;**

is initially assigned to ~~Class A.~~ **Class B.**

~~(b)~~ **(c)** A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to ~~Class B.~~ **Class C.** A credit restricted felon may not be assigned to Class A **or Class B.**

~~(c)~~ **(d)** A person who is not a credit restricted felon may be reassigned to ~~Class B~~ **Class C** or ~~Class C~~ **Class D** if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

~~(d)~~ **(e)** A person who is a credit restricted felon may be reassigned to ~~Class C~~ **Class D** and a person who is assigned to Class IV may be assigned to Class III if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III or ~~Class C,~~ **Class D,** the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

~~(e)~~ **(f)** In connection with the hearing granted under subsection ~~(c)~~ **(d)** or ~~(d),~~ **(e),** the person is entitled to:

(1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;

(2) have reasonable time to prepare for the hearing;

(3) have an impartial decisionmaker;

(4) appear and speak in the person's own behalf;

(5) call witnesses and present evidence;

(6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and

(10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

~~(f)~~ **(g)** Except for a credit restricted felon, a person may be reassigned from:

(1) Class III to Class I, Class II or Class IV;

(2) Class II to Class I;

(3) ~~Class C~~ **Class D** to Class A, ~~or~~ Class B, **or Class C;**

(4) ~~Class B~~ **Class C** to Class A **or Class B.**

A person's assignment to Class III, Class II, ~~Class B, or~~ Class C, **or Class D** shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II or to Class A, ~~or~~ Class B, **or Class C.**

(h) This subsection applies only to a person imprisoned awaiting trial. A person imprisoned awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged. If all the offenses of which a person is convicted have a higher credit time class than the most serious offense with which the person is charged, the person earns credit time for the time imprisoned awaiting trial at the credit time class of the most serious offense of which the person was convicted. However, this section does not apply to any period during which the person is reassigned to a lower credit time class for a disciplinary violation.

SECTION 124. IC 35-50-6-5, AS AMENDED BY P.L.158-2013, SECTION 671, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A person may, with respect

to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a:

(A) community transition program; or

(B) community corrections program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.

(6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III, ~~Class B, or~~ Class C, **or Class D.**

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 125. [EFFECTIVE JULY 1, 2014] **The general assembly recognizes that P.L.214-2013, SECTION 44 amended IC 35-50-2-2, and that P.L.158-2013, SECTION 653 repealed IC 35-50-2-2. The general assembly intends to repeal IC 35-50-2-2.**

SECTION 126. [EFFECTIVE JULY 1, 2014] **The general assembly recognizes that this act amends IC 9-17-4-14, IC 9-17-4-15, IC 9-17-4-16, IC 9-17-4-17, IC 9-17-4-18, IC 9-22-3-33, and IC 9-32-17-2, and that HEA 1279-2014 repeals those provisions, effective January 1, 2015. The general assembly intends to repeal those provisions, effective January 1, 2015.**

P.L.169-2014
[H.1008. Approved March 26, 2014.]

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

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

SECTION 1. IC 35-51 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Criminal Statutes Codified Outside IC 35).

SECTION 2. IC 35-52 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 52. CRIMINAL STATUTES CODIFIED OUTSIDE IC 35

Chapter 1. Scope of Article

Sec. 1. This article is not intended to be an exhaustive compilation of all criminal statutes codified outside IC 35 in the Indiana Code. Other criminal statutes may be found in IC 35 and other provisions of the Indiana Code.

Chapter 2. IC 2 Criminal Statutes

Sec. 1. IC 2-4-1-4 defines a crime concerning legislative investigations.

Sec. 2. IC 2-7-6-2 defines a crime concerning lobbying.

Sec. 3. IC 2-7-6-3 defines a crime concerning lobbying.

Sec. 4. IC 2-7-6-4 defines a crime concerning lobbying.

Sec. 5. IC 2-8.2-4-6 defines a crime concerning constitutional convention delegates.

Chapter 3. IC 3 Criminal Statutes

Sec. 1. IC 3-14-1-1 defines a crime concerning elections.

Sec. 2. IC 3-14-1-2 defines a crime concerning elections.

Sec. 3. IC 3-14-1-3 defines a crime concerning elections.

Sec. 4. IC 3-14-1-6 defines a crime concerning elections.

Sec. 5. IC 3-14-1-7 defines a crime concerning elections.

Sec. 6. IC 3-14-1-10 defines a crime concerning elections.

Sec. 7. IC 3-14-1-10.5 defines a crime concerning elections.

Sec. 8. IC 3-14-1-11 defines a crime concerning elections.

Sec. 9. IC 3-14-1-13 defines a crime concerning elections.

Sec. 10. IC 3-14-1-14 defines a crime concerning elections.

Sec. 11. IC 3-14-1-14.5 defines a crime concerning elections.

Sec. 12. IC 3-14-1-17 defines a crime concerning election campaign violations.

Sec. 13. IC 3-14-2-1 defines a crime concerning voting.

Sec. 14. IC 3-14-2-2 defines a crime concerning voting.

Sec. 15. IC 3-14-2-2.5 defines a crime concerning voting.

Sec. 16. IC 3-14-2-3 defines a crime concerning voting.

Sec. 17. IC 3-14-2-4 defines a crime concerning voting.

Sec. 18. IC 3-14-2-5 defines a crime concerning voting.

Sec. 19. IC 3-14-2-6 defines a crime concerning voting.

Sec. 20. IC 3-14-2-7 defines a crime concerning voting.

Sec. 21. IC 3-14-2-8 defines a crime concerning voting.

Sec. 22. IC 3-14-2-9 defines a crime concerning voting.

Sec. 23. IC 3-14-2-10 defines a crime concerning voting.

Sec. 24. IC 3-14-2-11 defines a crime concerning voting.

Sec. 25. IC 3-14-2-12 defines a crime concerning voting.

Sec. 26. IC 3-14-2-13 defines a crime concerning voting.

Sec. 27. IC 3-14-2-14 defines a crime concerning voting.

Sec. 28. IC 3-14-2-15 defines a crime concerning voting.

Sec. 29. IC 3-14-2-16 defines a crime concerning voting.

Sec. 30. IC 3-14-2-17 defines a crime concerning voting.

Sec. 31. IC 3-14-2-18 defines a crime concerning voting.

Sec. 32. IC 3-14-2-19 defines a crime concerning voting.

Sec. 33. IC 3-14-2-20 defines a crime concerning voting.

Sec. 34. IC 3-14-2-21 defines a crime concerning voting.

Sec. 35. IC 3-14-2-22 defines a crime concerning voting.

Sec. 36. IC 3-14-2-23 defines a crime concerning voting.
Sec. 37. IC 3-14-2-24 defines a crime concerning voting.
Sec. 38. IC 3-14-2-25 defines a crime concerning voting.
Sec. 39. IC 3-14-2-26 defines a crime concerning voting.
Sec. 40. IC 3-14-2-27 defines a crime concerning voting.
Sec. 41. IC 3-14-2-28 defines a crime concerning voting.
Sec. 42. IC 3-14-2-29 defines a crime concerning voting.
Sec. 43. IC 3-14-2-30 defines a crime concerning voting.
Sec. 44. IC 3-14-3-1.1 defines a crime concerning voting.
Sec. 45. IC 3-14-3-2 defines a crime concerning voting.
Sec. 46. IC 3-14-3-3 defines a crime concerning voting.
Sec. 47. IC 3-14-3-4 defines a crime concerning voting.
Sec. 48. IC 3-14-3-5 defines a crime concerning voting.
Sec. 49. IC 3-14-3-6 defines a crime concerning voting.
Sec. 50. IC 3-14-3-7 defines a crime concerning voting.
Sec. 51. IC 3-14-3-8 defines a crime concerning voting.
Sec. 52. IC 3-14-3-9 defines a crime concerning voting.
Sec. 53. IC 3-14-3-10 defines a crime concerning voting.
Sec. 54. IC 3-14-3-11 defines a crime concerning voting.
Sec. 55. IC 3-14-3-12 defines a crime concerning voting.
Sec. 56. IC 3-14-3-13 defines a crime concerning voting.
Sec. 57. IC 3-14-3-14 defines a crime concerning voting.
Sec. 58. IC 3-14-3-15 defines a crime concerning voting.
Sec. 59. IC 3-14-3-16 defines a crime concerning voting.
Sec. 60. IC 3-14-3-17 defines a crime concerning voting.
Sec. 61. IC 3-14-3-18 defines a crime concerning voting.
Sec. 62. IC 3-14-3-19 defines a crime concerning voting.
Sec. 63. IC 3-14-3-20 defines a crime concerning voting.
Sec. 64. IC 3-14-3-20.5 defines a crime concerning voting.
Sec. 65. IC 3-14-3-21 defines a crime concerning voting.
Sec. 66. IC 3-14-3-21.5 defines a crime concerning voting.
Sec. 67. IC 3-14-4-1 defines a crime concerning elections.
Sec. 68. IC 3-14-4-2 defines a crime concerning elections.
Sec. 69. IC 3-14-4-3 defines a crime concerning elections.
Sec. 70. IC 3-14-4-3.5 defines a crime concerning elections.
Sec. 71. IC 3-14-4-4 defines a crime concerning elections.
Sec. 72. IC 3-14-4-6 defines a crime concerning elections.
Sec. 73. IC 3-14-4-7 defines a crime concerning elections.
Sec. 74. IC 3-14-4-8 defines a crime concerning elections.

Sec. 75. IC 3-14-4-9 defines a crime concerning elections.

Sec. 76. IC 3-14-4-10 defines a crime concerning elections.

Sec. 77. IC 3-14-6-1.1 defines a crime concerning elections.

Sec. 78. IC 3-14-6-2 defines a crime concerning elections.

Chapter 4. IC 4 Criminal Statutes

Sec. 1. IC 4-1-10-8 defines a crime concerning state agencies.

Sec. 2. IC 4-1-10-9 defines a crime concerning state agencies.

Sec. 3. IC 4-2-7-8 defines a crime concerning the inspector general.

Sec. 5. IC 4-13.6-4-14 defines a crime concerning state public works.

Sec. 6. IC 4-21.5-3-36 defines a crime concerning administrative proceedings.

Sec. 7. IC 4-21.5-3-37 defines a crime concerning administrative proceedings.

Sec. 8. IC 4-30-3-19 defines a crime concerning the lottery.

Sec. 9. IC 4-30-3-19.5 defines a crime concerning the lottery.

Sec. 10. IC 4-30-3-19.7 defines a crime concerning the lottery.

Sec. 11. IC 4-30-12-5 defines a crime concerning the lottery.

Sec. 12. IC 4-30-13-1 defines a crime concerning the lottery.

Sec. 13. IC 4-30-14-1 defines a crime concerning the lottery.

Sec. 14. IC 4-30-14-2 defines a crime concerning the lottery.

Sec. 15. IC 4-30-14-3 defines a crime concerning the lottery.

Sec. 16. IC 4-30-14-4 defines a crime concerning the lottery.

Sec. 17. IC 4-30-14-5 defines a crime concerning the lottery.

Sec. 18. IC 4-30-14-6 defines a crime concerning the lottery.

Sec. 19. IC 4-31-7-9 defines a crime concerning horse racing.

Sec. 20. IC 4-31-13-3 defines a crime concerning horse racing.

Sec. 21. IC 4-31-13-3.5 defines a crime concerning horse racing.

Sec. 22. IC 4-31-13-9 defines a crime concerning horse racing.

Sec. 23. IC 4-32.2-8-4 defines a crime concerning charity gaming.

Sec. 24. IC 4-33-10-1 defines a crime concerning riverboat gambling.

Sec. 25. IC 4-33-10-2 defines a crime concerning riverboat gambling.

Sec. 26. IC 4-33-10-2.1 defines a crime concerning riverboat gambling.

Sec. 27. IC 4-33-10-2.5 defines a crime concerning riverboat gambling.

Sec. 28. IC 4-33-10-6 defines a crime concerning riverboat gambling.

Sec. 29. IC 4-33-22-14 defines a crime concerning boxing and mixed martial arts.

Sec. 30. IC 4-33-22-40 defines a crime concerning boxing and mixed martial arts.

Sec. 31. IC 4-35-9-2 defines a crime concerning gambling games at racetracks.

Sec. 32. IC 4-35-9-4 defines a crime concerning gambling games at racetracks.

Sec. 33. IC 4-35-9-5 defines a crime concerning gambling games at racetracks.

Sec. 34. IC 4-35-9-6 defines a crime concerning gambling games at racetracks.

Sec. 35. IC 4-36-6-5 defines a crime concerning gambling in certain establishments.

Chapter 5. IC 5 Criminal Statutes

Sec. 1. IC 5-1-4-22 defines a crime concerning hospital bonding authorities.

Sec. 2. IC 5-1-17.5-23 defines a crime concerning the Indiana motorsports commission.

Sec. 3. IC 5-2-2-11 defines a crime concerning the law enforcement academy building commission.

Sec. 4. IC 5-2-4-7 defines a crime concerning criminal intelligence information.

Sec. 5. IC 5-10.4-3-16 defines a crime concerning the Indiana state teachers' retirement fund.

Sec. 6. IC 5-11-1-18 defines a crime concerning state board of accounts.

Sec. 7. IC 5-15-6-8 defines a crime concerning local public records commissions.

Sec. 8. IC 5-16-7-3 defines a crime concerning wage rate of contractor's and subcontractor's employees.

Sec. 9. IC 5-16-9-5 defines a crime concerning parking facilities for persons with physical disabilities.

Sec. 10. IC 5-28-15-7 defines a crime concerning enterprise zones.

Sec. 11. IC 5-28-15-8 defines a crime concerning enterprise zones.

Chapter 6. IC 6 Criminal Statutes

Sec. 1. IC 6-1.1-5.5-10 defines a crime concerning sales disclosure forms.

Sec. 2. IC 6-1.1-37-1 defines a crime concerning officers of the state or local government.

Sec. 3. IC 6-1.1-37-2 defines a crime concerning officials or representatives of the department of local government finance.

Sec. 4. IC 6-1.1-37-3 defines a crime concerning property tax returns, statements, or documents.

Sec. 5. IC 6-1.1-37-4 defines a crime concerning property tax deductions.

Sec. 6. IC 6-1.1-37-5 defines a crime concerning false statements on reports or applications.

Sec. 7. IC 6-1.1-37-6 defines a crime concerning general assessments.

Sec. 8. IC 6-2.3-5.5-12 defines a crime concerning utility taxes.

Sec. 9. IC 6-2.3-7-1 defines a crime concerning taxes.

Sec. 10. IC 6-2.3-7-2 defines a crime concerning taxes.

Sec. 11. IC 6-2.3-7-3 defines a crime concerning taxes.

Sec. 12. IC 6-2.3-7-4 defines a crime concerning taxes.

Sec. 13. IC 6-2.5-9-1 defines a crime concerning taxes.

Sec. 14. IC 6-2.5-9-2 defines a crime concerning taxes.

Sec. 15. IC 6-2.5-9-3 defines a crime concerning taxes.

Sec. 16. IC 6-2.5-9-6 defines a crime concerning taxes.

Sec. 17. IC 6-2.5-9-7 defines a crime concerning retail sales.

Sec. 18. IC 6-2.5-9-8 defines a crime concerning taxes.

Sec. 19. IC 6-3-3-9 defines a crime concerning taxes.

Sec. 20. IC 6-3-4-8 defines a crime concerning taxes.

Sec. 21. IC 6-3-6-10 defines a crime concerning taxes.

Sec. 22. IC 6-3-6-11 defines a crime concerning taxes.

Sec. 23. IC 6-3-7-5 defines a crime concerning taxes.

Sec. 24. IC 6-3.5-4-16 defines a crime concerning taxes.

Sec. 24.5. IC 6-3.5-5-18 defines a crime concerning taxes.

Sec. 25. IC 6-4.1-12-12 defines a crime concerning taxes.

Sec. 26. IC 6-5.5-7-3 defines a crime concerning taxes.

Sec. 27. IC 6-5.5-7-4 defines a crime concerning taxes.

Sec. 28. IC 6-6-1.1-1307 defines a crime concerning taxes.

Sec. 29. IC 6-6-1.1-1308 defines a crime concerning taxes.
Sec. 30. IC 6-6-1.1-1309 defines a crime concerning taxes.
Sec. 31. IC 6-6-1.1-1310 defines a crime concerning taxes.
Sec. 32. IC 6-6-1.1-1311 defines a crime concerning taxes.
Sec. 33. IC 6-6-1.1-1312 defines a crime concerning taxes.
Sec. 34. IC 6-6-1.1-1313 defines a crime concerning taxes.
Sec. 35. IC 6-6-1.1-1316 defines a crime concerning taxes.
Sec. 36. IC 6-6-2.5-28 defines a crime concerning taxes.
Sec. 37. IC 6-6-2.5-40 defines a crime concerning fuel.
Sec. 38. IC 6-6-2.5-56.5 defines a crime concerning fuel.
Sec. 39. IC 6-6-2.5-62 defines a crime concerning fuel.
Sec. 40. IC 6-6-2.5-63 defines a crime concerning taxes.
Sec. 41. IC 6-6-2.5-71 defines a crime concerning taxes.
Sec. 42. IC 6-6-5-11 defines a crime concerning taxes.
Sec. 43. IC 6-6-5.1-25 defines a crime concerning taxes.
Sec. 44. IC 6-6-6-10 defines a crime concerning taxes.
Sec. 45. IC 6-6-11-27 defines a crime concerning taxes.
Sec. 46. IC 6-6-13-13 defines a crime concerning the aviation fuel excise tax.
Sec. 47. IC 6-7-1-15 defines a crime concerning tobacco taxes.
Sec. 48. IC 6-7-1-21 defines a crime concerning tobacco taxes.
Sec. 49. IC 6-7-1-22 defines a crime concerning tobacco taxes.
Sec. 50. IC 6-7-1-23 defines a crime concerning tobacco taxes.
Sec. 51. IC 6-7-1-24 defines a crime concerning tobacco taxes.
Sec. 52. IC 6-7-1-36 defines a crime concerning tobacco taxes.
Sec. 53. IC 6-7-2-18 defines a crime concerning tobacco taxes.
Sec. 54. IC 6-7-2-19 defines a crime concerning tobacco taxes.
Sec. 55. IC 6-7-2-20 defines a crime concerning tobacco taxes.
Sec. 56. IC 6-7-2-21 defines a crime concerning tobacco taxes.
Sec. 57. IC 6-8-1-19 defines a crime concerning petroleum severance taxes.
Sec. 58. IC 6-8-1-23 defines a crime concerning petroleum severance taxes.
Sec. 59. IC 6-8-1-24 defines a crime concerning petroleum severance taxes.
Sec. 60. IC 6-8.1-3-21.2 defines a crime concerning taxes.
Sec. 61. IC 6-8.1-7-3 defines a crime concerning taxes.
Sec. 62. IC 6-8.1-8-2 defines a crime concerning taxes.
Sec. 63. IC 6-8.1-10-4 defines a crime concerning taxes.

Sec. 64. IC 6-9-2-5 defines a crime concerning innkeeper's taxes.

Sec. 65. IC 6-9-2.5-8 defines a crime concerning innkeeper's taxes.

Sec. 66. IC 6-9-4-8 defines a crime concerning innkeeper's taxes.

Sec. 67. IC 6-9-6-8 defines a crime concerning innkeeper's taxes.

Sec. 68. IC 6-9-7-8 defines a crime concerning innkeeper's taxes.

Sec. 69. IC 6-9-10-8 defines a crime concerning innkeeper's taxes.

Sec. 70. IC 6-9-10.5-12 defines a crime concerning innkeeper's taxes.

Sec. 71. IC 6-9-11-8 defines a crime concerning innkeeper's taxes.

Sec. 72. IC 6-9-14-8 defines a crime concerning innkeeper's taxes.

Sec. 73. IC 6-9-15-8 defines a crime concerning innkeeper's taxes.

Sec. 74. IC 6-9-16-8 defines a crime concerning innkeeper's taxes.

Sec. 75. IC 6-9-17-8 defines a crime concerning innkeeper's taxes.

Sec. 76. IC 6-9-18-8 defines a crime concerning innkeeper's taxes.

Sec. 77. IC 6-9-19-8 defines a crime concerning innkeeper's taxes.

Sec. 78. IC 6-9-29-2 defines a crime concerning innkeeper's taxes.

Sec. 79. IC 6-9-32-8 defines a crime concerning innkeeper's taxes.

Sec. 80. IC 6-9-37-8 defines a crime concerning innkeeper's taxes.

Chapter 7. IC 7.1 Criminal Statutes

Sec. 1. IC 7.1-3-10-10 defines a crime concerning liquor dealer's permits.

Sec. 2. IC 7.1-3-26-5 defines a crime concerning direct wine seller's permits.

Sec. 3. IC 7.1-3-26-6 defines a crime concerning direct wine seller's permits.

Sec. 4. IC 7.1-3-26-10 defines a crime concerning farm winery brandy distiller's permits.

Sec. 5. IC 7.1-3-27-3 defines a crime concerning artisan distiller's permits.

Sec. 6. IC 7.1-3-27-8 defines a crime concerning artisan distiller's permits.

Sec. 7. IC 7.1-3-27-9 defines a crime concerning artisan distiller's permits.

Sec. 8. IC 7.1-3-27-10 defines a crime concerning artisan distiller's permits.

Sec. 9. IC 7.1-3-27-11 defines a crime concerning artisan distiller's permits.

Sec. 10. IC 7.1-3-27-12 defines a crime concerning artisan distiller's permits.

Sec. 11. IC 7.1-3-27-13 defines a crime concerning artisan distiller's permits.

Sec. 12. IC 7.1-3-27-14 defines a crime concerning artisan distiller's permits.

Sec. 13. IC 7.1-3-27-15 defines a crime concerning artisan distiller's permits.

Sec. 14. IC 7.1-5-1-1 defines a crime concerning alcohol.

Sec. 15. IC 7.1-5-1-3 defines a crime concerning public intoxication.

Sec. 16. IC 7.1-5-1-6 defines a crime concerning public intoxication.

Sec. 17. IC 7.1-5-1-12 defines a crime concerning alcohol.

Sec. 18. IC 7.1-5-2-3 defines a crime concerning signs.

Sec. 19. IC 7.1-5-2-7 defines a crime concerning signs.

Sec. 20. IC 7.1-5-3-1 defines a crime concerning containers.

Sec. 21. IC 7.1-5-3-2 defines a crime concerning containers.

Sec. 22. IC 7.1-5-3-4 defines a crime concerning containers.

Sec. 23. IC 7.1-5-4-1 defines a crime concerning alcohol.

Sec. 24. IC 7.1-5-4-3 define a crime concerning alcohol.

Sec. 25. IC 7.1-5-4-5 defines a crime concerning permits.

Sec. 26. IC 7.1.5-4-6 defines a crime concerning alcohol.

Sec. 27. IC 7.1-5-5-2 defines a crime concerning permits.

Sec. 28. IC 7.1-5-5-3 defines a crime concerning permits.

Sec. 29. IC 7.1-5-5-7 defines a crime concerning discounts.

Sec. 30. IC 7.1-5-5-9 defines a crime concerning agreements.

Sec. 31. IC 7.1-5-5-10 defines a crime concerning gifts.

Sec. 32. IC 7.1-5-5-11 defines a crime concerning rebates.

Sec. 33. IC 7.1-5-5-12 defines a crime concerning athletics.
Sec. 34. IC 7.1-5-6-1 defines a crime concerning alcohol.
Sec. 35. IC 7.1-5-6-2 defines a crime concerning sales.
Sec. 36. IC 7.1-5-6-3 defines a crime concerning sales.
Sec. 37. IC 7.1-5-6-4 defines a crime concerning permits.
Sec. 37.5. IC 7.1-5-7-1 defines a crime concerning alcohol.
Sec. 38. IC 7.1-5-7-2 defines a crime concerning alcohol.
Sec. 39. IC 7.1-5-7-7 defines a crime concerning alcohol.
Sec. 40. IC 7.1-5-7-8 defines a crime concerning alcohol.
Sec. 41. IC 7.1-5-7-10 defines a crime concerning alcohol.
Sec. 42. IC 7.1-5-7-12 defines a crime concerning alcohol.
Sec. 43. IC 7.1-5-7-14 defines a crime concerning alcohol.
Sec. 44. IC 7.1-5-8-1 defines a crime concerning alcohol and tobacco.
Sec. 45. IC 7.1-5-8-3 defines a crime concerning alcohol.
Sec. 46. IC 7.1-5-8-4 defines a crime concerning sales.
Sec. 47. IC 7.1-5-8-5 defines a crime concerning alcohol.
Sec. 48. IC 7.1-5-8-6 defines a crime concerning alcohol.
Sec. 49. IC 7.1-5-8-9 defines a crime concerning sales.
Sec. 50. IC 7.1-5-9-1 defines a crime concerning interests.
Sec. 51. IC 7.1-5-9-2 defines a crime concerning interests.
Sec. 52. IC 7.1-5-9-3 defines a crime concerning interests.
Sec. 53. IC 7.1-5-9-4 defines a crime concerning interests.
Sec. 54. IC 7.1-5-9-6 defines a crime concerning interests.
Sec. 55. IC 7.1-5-9-7 defines a crime concerning interests.
Sec. 56. IC 7.1-5-9-8 defines a crime concerning permits.
Sec. 57. IC 7.1-5-9-9 defines a crime concerning interests.
Sec. 58. IC 7.1-5-9-10 defines a crime concerning interests.
Sec. 59. IC 7.1-5-9-13 defines a crime concerning interests.
Sec. 60. IC 7.1-5-9-14 defines a crime concerning sales.
Sec. 61. IC 7.1-5-9-15 defines a crime concerning questionnaires.
Sec. 62. IC 7.1-5-10-1 defines a crime concerning sales.
Sec. 63. IC 7.1-5-10-2 defines a crime concerning sales.
Sec. 64. IC 7.1-5-10-3 defines a crime concerning sales.
Sec. 65. IC 7.1-5-10-4 defines a crime concerning sales.
Sec. 66. IC 7.1-5-10-5 defines a crime concerning sales.
Sec. 67. IC 7.1-5-10-6 defines a crime concerning sales.
Sec. 68. IC 7.1-5-10-8 defines a crime concerning solicitation.
Sec. 69. IC 7.1-5-10-9 defines a crime concerning sales.

Sec. 70. IC 7.1-5-10-10 defines a crime concerning alcohol.
Sec. 71. IC 7.1-5-10-11 defines a crime concerning sales.
Sec. 72. IC 7.1-5-10-12 defines a crime concerning sales.
Sec. 73. IC 7.1-5-10-13 defines a crime concerning sales.
Sec. 74. IC 7.1-5-10-15 defines a crime concerning sales.
Sec. 75. IC 7.1-5-10-17 defines a crime concerning sales.
Sec. 76. IC 7.1-5-10-20 defines a crime concerning sales.
Sec. 77. IC 7.1-5-10-21 defines a crime concerning alcohol.
Sec. 78. IC 7.1-5-10-22 defines a crime concerning sales.
Sec. 79. IC 7.1-5-10-23 defines a crime concerning alcohol.
Sec. 80. IC 7.1-5-11-1 defines a crime concerning importation.
Sec. 81. IC 7.1-5-11-1.5 defines a crime concerning importation.
Sec. 82. IC 7.1-5-11-2 defines a crime concerning transportation.
Sec. 83. IC 7.1-5-11-3 defines a crime concerning transportation.
Sec. 84. IC 7.1-5-11-4 defines a crime concerning delivery.
Sec. 85. IC 7.1-5-11-5 defines a crime concerning alcohol.
Sec. 86. IC 7.1-5-11-6 defines a crime concerning transportation.
Sec. 87. IC 7.1-5-11-7 defines a crime concerning shipments.
Sec. 88. IC 7.1-5-11-8 defines a crime concerning transportation.
Sec. 89. IC 7.1-5-11-9 defines a crime concerning transportation.
Sec. 90. IC 7.1-5-11-10 defines a crime concerning transportation.
Sec. 91. IC 7.1-5-11-11 defines a crime concerning transportation.
Sec. 92. IC 7.1-5-11-12 defines a crime concerning transportation.
Sec. 93. IC 7.1-5-11-13 defines a crime concerning recordkeeping.
Sec. 94. IC 7.1-5-11-14 defines a crime concerning false statements.
Sec. 95. IC 7.1-5-11-15 defines a crime concerning transportation.
Sec. 96. IC 7.1-5-11-16 defines a crime concerning alcohol.

Chapter 8. IC 8 Criminal Statutes

Sec. 1. IC 8-1-2-79 defines a crime concerning utilities.
Sec. 2. IC 8-1-2-102 defines a crime concerning utilities.
Sec. 3. IC 8-1-2-103 defines a crime concerning utilities.
Sec. 4. IC 8-2-3-1 defines a crime concerning fraudulent bills of lading.

Sec. 5. IC 8-2.1-22-46 defines a crime concerning motor carrier regulation.

Sec. 6. IC 8-2.1-25-7 defines a crime concerning motor carrier regulation.

Sec. 6.5. IC 8-2.1-27-7 defines a crime concerning motor carrier regulation.

Sec. 7. IC 8-3-15-3 defines a crime concerning railroads.

Sec. 8. IC 8-10-1-23 defines a crime concerning ports.

Sec. 9. IC 8-10-1-29 defines a crime concerning ports.

Sec. 10. IC 8-15.5-13-8 defines a crime concerning prohibited political contributions.

Sec. 11. IC 8-15.7-16-8 defines a crime concerning prohibited political contributions.

Sec. 12. IC 8-21-1-12 defines a crime concerning aeronautics.

Sec. 13. IC 8-21-2-5 defines a crime concerning aeronautics.

Sec. 14. IC 8-21-4-8 defines a crime concerning aeronautics.

Sec. 15. IC 8-21-4-9 defines a crime concerning aeronautics.

Sec. 16. IC 8-21-9-35 defines a crime concerning aeronautics.

Sec. 17. IC 8-22-2-20 defines a crime concerning aeronautics.

Sec. 17.5. IC 8-22-3-32 defines a crime concerning aeronautics.

Sec. 18. IC 8-23-20-22 defines a crime concerning billboards.

Sec. 19. IC 8-23-23-3 defines a crime concerning Indiana department of transportation inspectors.

Chapter 9. IC 9 Criminal Statutes

Sec. 1. IC 9-14-3.5-15 defines a crime concerning the bureau of motor vehicles.

Sec. 2. IC 9-14-5-9 defines a crime concerning parking placards for persons with physical disabilities.

Sec. 3. IC 9-17-2-15 defines a crime concerning certificates of title.

Sec. 4. IC 9-18-2-44 defines a crime concerning motor vehicle registration and license plates.

Sec. 5. IC 9-18-2-45 defines a crime concerning motor vehicle registration and license plates.

Sec. 6. IC 9-18-2.5-12 defines a crime concerning off-road vehicles and snowmobiles.

Sec. 7. IC 9-18-19-4 defines a crime concerning vehicle registration and license plates.

Sec. 8. IC 9-18-22-6 defines a crime concerning motor vehicle registration and license plates.

Sec. 9. IC 9-18-27-9 defines a crime concerning motor vehicle registration and license plates.

Sec. 10. IC 9-19-10.5-2 defines a crime concerning motor vehicle equipment.

Sec. 11. IC 9-19-10.5-3 defines a crime concerning motor vehicle equipment.

Sec. 12. IC 9-19-14-6 defines a crime concerning motor vehicle equipment.

Sec. 13. IC 9-21-5-13 defines a crime concerning traffic regulation.

Sec. 14. IC 9-21-6-3 defines a crime concerning traffic regulation.

Sec. 15. IC 9-21-8-50 defines a crime concerning traffic regulation.

Sec. 16. IC 9-21-8-52 defines a crime concerning traffic regulation.

Sec. 17. IC 9-21-8-55 defines a crime concerning traffic regulation.

Sec. 18. IC 9-21-8-56 defines a crime concerning traffic regulation.

Sec. 19. IC 9-21-8-58 defines a crime concerning traffic regulation.

Sec. 20. IC 9-21-12-5 defines a crime concerning traffic regulation.

Sec. 21. IC 9-21-12-13 defines a crime concerning traffic regulation.

Sec. 22. IC 9-21-12-14 defines a crime concerning traffic regulation.

Sec. 23. IC 9-21-12-15 defines a crime concerning traffic regulation.

Sec. 24. IC 9-21-12-16 defines a crime concerning traffic regulation.

Sec. 25. IC 9-21-12-18 defines a crime concerning traffic regulation.

Sec. 26. IC 9-22-3-31 defines a crime concerning abandoned, salvaged, and scrap vehicles.

Sec. 27. IC 9-22-3-34 defines a crime concerning abandoned, salvaged, and scrap vehicles.

Sec. 28. IC 9-22-5-18 defines a crime concerning scrapping and dismantling vehicles.

Sec. 29. IC 9-22-5-18.2 defines a crime concerning buying a motor vehicle without a certificate of title.

Sec. 30. IC 9-22-5-19 defines a crime concerning scrapping and dismantling vehicles.

Sec. 31. IC 9-24-1-6 defines a crime concerning driver's licenses.

Sec. 32. IC 9-24-6-17 defines a crime concerning driver's licenses.

Sec. 33. IC 9-24-11-8 defines a crime concerning driver's licenses.

Sec. 34. IC 9-24-16-12 defines a crime concerning identification.

Sec. 35. IC 9-24-16-12.5 defines a crime concerning identification cards.

Sec. 36. IC 9-24-18-1 defines a crime concerning driver's licenses.

Sec. 37. IC 9-24-18-2 defines a crime concerning driver's licenses.

Sec. 38. IC 9-24-19-2 defines a crime concerning driver's licenses.

Sec. 39. IC 9-24-19-3 defines a crime concerning driver's licenses.

Sec. 40. IC 9-25-8-2 defines a crime concerning financial responsibility.

Sec. 41. IC 9-26-1-1.1 defines a crime concerning accidents and accident reports.

Sec. 42. IC 9-26-6-2 defines a crime concerning accidents and accident reports.

Sec. 43. IC 9-30-4-8 defines a crime concerning licenses and registrations.

Sec. 44. IC 9-30-5-1 defines a crime concerning operating a vehicle while intoxicated.

Sec. 45. IC 9-30-5-2 defines a crime concerning operating a vehicle while intoxicated.

Sec. 46. IC 9-30-5-3 defines a crime concerning operating a vehicle while intoxicated.

Sec. 47. IC 9-30-5-4 defines a crime concerning operating a vehicle while intoxicated.

Sec. 48. IC 9-30-5-5 defines a crime concerning operating a vehicle while intoxicated.

Sec. 49. IC 9-30-5-7 defines a crime concerning operating a vehicle while intoxicated.

Sec. 50. IC 9-30-5-8 defines a crime concerning operating a vehicle while intoxicated.

Sec. 51. IC 9-30-6-8.7 defines a crime concerning implied consent.

Sec. 52. IC 9-30-9-7.5 defines a crime concerning alcohol abuse deterrent programs.

Sec. 53. IC 9-30-10-16 defines a crime concerning habitual violator of traffic laws.

Sec. 54. IC 9-30-10-17 defines a crime concerning habitual violator of traffic laws.

Sec. 55. IC 9-30-16-5 defines a crime concerning driving privileges.

Sec. 56. IC 9-32-4-1 defines a crime concerning certificates of title.

Sec. 57. IC 9-32-6-13 defines a crime concerning interim license plates.

Chapter 10. IC 10 Criminal Statutes

Sec. 1. IC 10-13-2-12 defines a crime concerning state police data and information programs.

Sec. 2. IC 10-13-3-27 defines a crime concerning state police data and information programs.

Sec. 2.5. IC 10-13-6-21 defines a crime concerning state police data and information programs.

Sec. 3. IC 10-13-6-22 defines a crime concerning state police data and information programs.

Sec. 4. IC 10-14-3-34 defines a crime concerning emergency management.

Sec. 5. IC 10-14-4-12 defines a crime concerning emergency management.

Sec. 6. IC 10-16-7-4 defines a crime concerning Indiana military code.

Sec. 7. IC 10-16-7-15 defines a crime concerning Indiana military code.

Sec. 8. IC 10-18-1-38 defines a crime concerning war memorials.

Chapter 11. IC 11 Criminal Statutes

Sec. 1. IC 11-8-8-15 defines a crime concerning sex offender registration.

Sec. 2. IC 11-8-8-17 defines a crime concerning sex offender registration.

Sec. 3. IC 11-8-8-18 defines a crime concerning sex offender registration.

Chapter 12. IC 12 Criminal Statutes

Sec. 1. IC 12-10-13-20 defines a crime concerning long term care ombudsman program.

Sec. 2. IC 12-11-13-16 defines a crime concerning statewide waiver ombudsman.

Sec. 3. IC 12-13-14-4.5 defines a crime concerning electronic benefits transfer.

Sec. 4. IC 12-14-22-8 defines a crime concerning family assistance services.

Sec. 5. IC 12-15-24-2 defines a crime concerning Medicaid.

Sec. 6. IC 12-15-35-44 defines a crime concerning Medicaid.

Sec. 7. IC 12-17.2-4-35 defines a crime concerning day care regulation.

Sec. 8. IC 12-17.2-5-35 defines a crime concerning day care regulation.

Sec. 9. IC 12-17.6-6-12 defines a crime concerning children's health insurance program.

Sec. 9.5. IC 12-20-1-4 defines a crime concerning township assistance.

Sec. 10. IC 12-20-7-6 defines a crime concerning township assistance.

Sec. 11. IC 12-20-25-55 defines a crime concerning township assistance.

Sec. 11.5. IC 12-23-5-5.5 defines a crime concerning ignition interlock devices.

Sec. 12. IC 12-24-17-3 defines a crime concerning state institutions.

Sec. 13. IC 12-24-17-6 defines a crime concerning state institutions.

Sec. 14. IC 12-24-17-7 defines a crime concerning state institutions.

Sec. 15. IC 12-32-1-7 defines a crime concerning verifications of eligibility for public benefits.

Chapter 13. IC 13 Criminal Statutes

Sec. 1. IC 13-18-8-9 defines a crime concerning water pollution control.

Sec. 2. IC 13-18-13-31 defines a crime concerning water pollution control.

Sec. 3. IC 13-18-21-31 defines a crime concerning water pollution control.

Sec. 4. IC 13-19-5-17 defines a crime concerning environmental remediation revolving loan program.

Sec. 5. IC 13-20-13-17 defines a crime concerning solid waste management.

Sec. 6. IC 13-20-22-19 defines a crime concerning solid waste management.

Sec. 8. IC 13-20-22-21 defines a crime concerning solid waste management.

Sec. 9. IC 13-23-7-9 defines a crime concerning underground storage tanks.

Sec. 10. IC 13-23-9-6 defines a crime concerning underground storage tanks.

Sec. 11. IC 13-25-4-28 defines a crime concerning hazardous substances.

Sec. 12. IC 13-29-1-14 defines a crime concerning Midwest Interstate Compact on Low-Level Radioactive Waste.

Sec. 13. IC 13-30-10-1 defines a crime concerning the environment.

Sec. 14. IC 13-30-10-1.5 defines a crime concerning the environment.

Sec. 15. IC 13-30-10-5 defines a crime concerning the environment.

Sec. 16. IC 13-30-10-6 defines a crime concerning the environment.

Chapter 14. IC 14 Criminal Statutes

Sec. 1. IC 14-9-8-19 defines a crime concerning the department of natural resources.

Sec. 2. IC 14-15-3-31 defines a crime concerning watercraft.

Sec. 3. IC 14-15-4-4 defines a crime concerning watercraft accidents.

Sec. 4. IC 14-15-11-11 defines a crime concerning motor boat operators.

Sec. 5. IC 14-15-12-13 defines a crime concerning personal watercraft.

Sec. 6. IC 14-16-1-29 defines a crime concerning off-road vehicles.

Sec. 7. IC 14-17-4-8 defines a crime concerning property acquisition.

Sec. 8. IC 14-21-1-26 defines a crime concerning historic preservation and archeology.

Sec. 9. IC 14-21-1-26.5 defines a crime concerning historic preservation and archeology.

Sec. 10. IC 14-21-1-28 defines a crime concerning historic preservation and archeology.

Sec. 11. IC 14-21-1-36 defines a crime concerning historic preservation and archeology.

Sec. 12. IC 14-21-2-5 defines a crime concerning historic preservation and archeology.

Sec. 13. IC 14-22-6-2 defines a crime concerning hunting and fishing.

Sec. 14. IC 14-22-6-7 defines a crime concerning hunting and fishing.

Sec. 15. IC 14-22-6-8 defines a crime concerning hunting and fishing.

Sec. 16. IC 14-22-6-9 defines a crime concerning hunting and fishing.

Sec. 17. IC 14-22-9-7 defines a crime concerning fishing.

Sec. 18. IC 14-22-9-8 defines a crime concerning fishing.

Sec. 19. IC 14-22-10-1 defines a crime concerning hunting and fishing.

Sec. 20. IC 14-22-10-3 defines a crime concerning hunting and fishing.

Sec. 21. IC 14-22-13-2.5 defines a crime concerning commercial fishing licenses.

Sec. 22. IC 14-22-13-7 defines a crime concerning commercial fishing licenses.

Sec. 23. IC 14-22-13-10 defines a crime concerning commercial fishing licenses.

Sec. 24. IC 14-22-14-5 defines a crime concerning fishing licenses.

Sec. 25. IC 14-22-14-22 defines a crime concerning fishing licenses.

Sec. 26. IC 14-22-15-7 defines a crime concerning fish and wildlife.

Sec. 27. IC 14-22-19-5 defines a crime concerning furbearing mammals.

Sec. 28. IC 14-22-32-8 defines a crime concerning fish and wildlife.

Sec. 29. IC 14-22-34-9 defines a crime concerning nongame species.

Sec. 30. IC 14-22-37-3 defines a crime concerning fish and wildlife.

Sec. 31. IC 14-22-38-3 defines a crime concerning fish and wildlife.

Sec. 32. IC 14-22-38-4.5 defines a crime concerning fish and wildlife.

Sec. 33. IC 14-22-38-6 defines a crime concerning fish and wildlife.

Sec. 34. IC 14-22-40-6 defines a crime concerning fish and wildlife.

Sec. 35. IC 14-23-7-5 defines a crime concerning forestry.

Sec. 36. IC 14-24-11-4 defines a crime concerning entomology and plant pathology.

Sec. 37. IC 14-29-8-5 defines a crime concerning rivers, streams, and waterways.

Sec. 38. IC 14-31-3-15 defines a crime concerning nature preserves.

Sec. 39. IC 14-31-3-16 defines a crime concerning nature preserves.

Sec. 40. IC 14-31-3-17 defines a crime concerning nature preserves.

Sec. 41. IC 14-31-3-19 defines a crime concerning nature preserves.

Sec. 42. IC 14-31-3-20 defines a crime concerning nature preserves.

Sec. 43. IC 14-31-3-21 defines a crime concerning nature preserves.

Sec. 44. IC 14-34-2-6 defines a crime concerning surface coal mining and reclamation.

Sec. 45. IC 14-34-16-6 defines a crime concerning surface coal mining and reclamation.

Sec. 46. IC 14-34-16-7 defines a crime concerning surface coal mining and reclamation.

Sec. 47. IC 14-37-4-15 defines a crime concerning oil and gas.

Sec. 48. IC 14-37-7-9 defines a crime concerning oil and gas.

Sec. 49. IC 14-37-8-1 defines a crime concerning oil and gas.

Sec. 50. IC 14-37-8-18 defines a crime concerning oil and gas.

Sec. 51. IC 14-37-11-4 defines a crime concerning oil and gas.

Chapter 15. IC 15 Criminal Statutes

Sec. 1. IC 15-11-8-8 defines a crime concerning the Indiana department of agriculture.

Sec. 2. IC 15-12-1-38 defines a crime concerning agricultural cooperatives.

Sec. 3. IC 15-15-1-37 defines a crime concerning horticulture products.

Sec. 4. IC 15-15-9-8 defines a crime concerning horticulture products.

Sec. 5. IC 15-16-1-14 defines a crime concerning horticulture control.

Sec. 6. IC 15-16-2-49.5 defines a crime concerning horticulture control.

Sec. 7. IC 15-16-4-77 defines a crime concerning horticulture control.

Sec. 8. IC 15-16-4-78 defines a crime concerning horticulture control.

Sec. 9. IC 15-16-5-70 defines a crime concerning horticulture control.

Sec. 10. IC 15-17-5-24 defines a crime concerning animal health and animal products.

Sec. 11. IC 15-17-5-25 defines a crime concerning animal health and animal products.

Sec. 12. IC 15-17-5-30 defines a crime concerning animal health and animal products.

Sec. 13. IC 15-17-5-31 defines a crime concerning animal health and animal products.

Sec. 14. IC 15-17-5.5-4 defines a crime concerning animal health and animal products.

Sec. 15. IC 15-17-14-11 defines a crime concerning animal health and animal products.

Sec. 16. IC 15-17-16-9 defines a crime concerning animal health and animal products.

Sec. 17. IC 15-17-18-1 defines a crime concerning animal health and animal products.

Sec. 18. IC 15-17-18-2 defines a crime concerning animal health and animal products.

Sec. 19. IC 15-17-18-3 defines a crime concerning animal health and animal products.

Sec. 20. IC 15-17-18-4 defines a crime concerning animal health and animal products.

Sec. 21. IC 15-17-18-5 defines a crime concerning animal health and animal products.

Sec. 22. IC 15-17-18-6 defines a crime concerning animal health and animal products.

Sec. 23. IC 15-17-18-7 defines a crime concerning animal health and animal products.

Sec. 24. IC 15-17-18-8 defines a crime concerning animal health and animal products.

Sec. 25. IC 15-17-18-9 defines a crime concerning animal health and animal products.

Sec. 26. IC 15-17-18-11 defines a crime concerning animal health and animal products.

Sec. 27. IC 15-18-1-33 defines a crime concerning dairy products.

Sec. 28. IC 15-18-2-35 defines a crime concerning dairy products.

Sec. 29. IC 15-18-5-32 defines a crime concerning dairy products.

Sec. 30. IC 15-19-3-4 defines a crime concerning livestock.

Sec. 31. IC 15-19-3-5 defines a crime concerning livestock.

Sec. 32. IC 15-19-5-8 defines a crime concerning livestock.

Sec. 33. IC 15-19-6-19 defines a crime concerning livestock.

Sec. 34. IC 15-19-6-20 defines a crime concerning livestock.

Sec. 35. IC 15-19-6-21 defines a crime concerning livestock.

Sec. 36. IC 15-19-6-22 defines a crime concerning livestock.

Sec. 37. IC 15-19-7-46 defines a crime concerning livestock.

Sec. 38. IC 15-20-1-4 defines a crime concerning animal control.

Sec. 39. IC 15-20-1-5 defines a crime concerning animal control.

Sec. 40. IC 15-21-2-3 defines a crime concerning commercial dog breeder regulation.

Sec. 41. IC 15-21-3-1 defines a crime concerning commercial dog breeder regulation.

Sec. 42. IC 15-21-3-2 defines a crime concerning commercial dog breeder regulation.

Chapter 16. IC 16 Criminal Statutes

Sec. 1. IC 16-19-12-1 defines a crime concerning the state department of health.

Sec. 2. IC 16-20-1-25 defines a crime concerning local health departments.

Sec. 3. IC 16-20-9-1 defines a crime concerning local health departments.

Sec. 4. IC 16-21-2-2.5 defines a crime concerning licensure of hospitals.

Sec. 5. IC 16-21-5-3 defines a crime concerning licensure of hospitals.

Sec. 6. IC 16-21-6-12 defines a crime concerning hospital financial disclosure law.

Sec. 7. IC 16-21-7-5 defines a crime concerning hospitals.

Sec. 8. IC 16-25-5-8 defines a crime concerning hospices.

Sec. 9. IC 16-25-6-1 defines a crime concerning hospices.

Sec. 10. IC 16-27-1-15 defines a crime concerning home health agencies.

Sec. 11. IC 16-27-2-3 defines a crime concerning home health agencies.

Sec. 12. IC 16-27-4-23 defines a crime concerning home health agencies.

Sec. 13. IC 16-28-7-5 defines a crime concerning health facility monitors.

Sec. 14. IC 16-28-9-3 defines a crime concerning health facilities.

Sec. 15. IC 16-28-9-4 defines a crime concerning health facility records.

Sec. 16. IC 16-28-9-5 defines a crime concerning health facilities.

Sec. 17. IC 16-30-5-1 defines a crime concerning health planning.

Sec. 18. IC 16-31-3-16 defines a crime concerning emergency medical services.

Sec. 19. IC 16-31-3-22 defines a crime concerning emergency medical services.

Sec. 20. IC 16-31-10-2 defines a crime concerning emergency medical services.

Sec. 21. IC 16-34-2-5 defines a crime concerning abortion.

Sec. 22. IC 16-34-2-6 defines a crime concerning abortion.

Sec. 23. IC 16-34-2-7 defines a crime concerning abortion.

Sec. 24. IC 16-36-4-15 defines a crime concerning medical consent.

Sec. 25. IC 16-36-4-16 defines a crime concerning medical consent.

Sec. 26. IC 16-36-5-27 defines a crime concerning medical consent.

Sec. 27. IC 16-36-5-28 defines a crime concerning medical consent.

Sec. 28. IC 16-37-1-12 defines a crime concerning vital statistics.

Sec. 29. IC 16-37-1-13 defines a crime concerning vital statistics.

Sec. 30. IC 16-37-2-2.1 defines a crime concerning vital statistics.

Sec. 31. IC 16-37-2-19 defines a crime concerning vital statistics.

Sec. 32. IC 16-37-3-16 defines a crime concerning vital statistics.

Sec. 33. IC 16-38-5-4 defines a crime concerning health registries.

Sec. 34. IC 16-39-7.1-3 defines a crime concerning health records.

Sec. 35. IC 16-39-7.1-6 defines a crime concerning health records.

Sec. 36. IC 16-41-1-3 defines a crime concerning communicable diseases.

Sec. 37. IC 16-41-2-9 defines a crime concerning communicable diseases.

Sec. 38. IC 16-41-3-3 defines a crime concerning communicable diseases.

Sec. 39. IC 16-41-4-3 defines a crime concerning communicable diseases.

Sec. 40. IC 16-41-5-3 defines a crime concerning communicable diseases.

Sec. 41. IC 16-41-6-3 defines a crime concerning communicable diseases.

Sec. 42. IC 16-41-7-5 defines a crime concerning communicable diseases.

Sec. 43. IC 16-41-8-1 defines a crime concerning communicable diseases.

Sec. 44. IC 16-41-8-3 defines a crime concerning communicable diseases.

Sec. 45. IC 16-41-8-5 defines a crime concerning communicable diseases.

Sec. 46. IC 16-41-9-1.5 defines a crime concerning communicable diseases.

Sec. 47. IC 16-41-10-5 defines a crime concerning communicable diseases.

Sec. 48. IC 16-41-10-7 defines a crime concerning communicable diseases.

Sec. 49. IC 16-41-12-13 defines a crime concerning communicable diseases.

Sec. 50. IC 16-41-12-14 defines a crime concerning communicable diseases.

Sec. 51. IC 16-41-12-15 defines a crime concerning communicable diseases.

Sec. 52. IC 16-41-13-3 defines a crime concerning communicable diseases.

Sec. 53. IC 16-41-13-4 defines a crime concerning communicable diseases.

Sec. 54. IC 16-41-13-6 defines a crime concerning communicable diseases.

Sec. 55. IC 16-41-14-13 defines a crime concerning communicable diseases.

Sec. 56. IC 16-41-14-15 defines a crime concerning communicable diseases.

Sec. 57. IC 16-41-14-16 defines a crime concerning communicable diseases.

Sec. 58. IC 16-41-14-17 defines a crime concerning communicable diseases.

Sec. 59. IC 16-41-14-20 defines a crime concerning communicable diseases.

Sec. 60. IC 16-41-15-18 defines a crime concerning communicable diseases.

Sec. 61. IC 16-41-16-11 defines a crime concerning communicable diseases.

Sec. 62. IC 16-41-18-6 defines a crime concerning prevention and treatment programs.

Sec. 63. IC 16-41-19-10 defines a crime concerning prevention and treatment programs.

Sec. 64. IC 16-41-20-13 defines a crime concerning health, sanitation, and safety.

Sec. 65. IC 16-41-21-18 defines a crime concerning health, sanitation, and safety.

Sec. 66. IC 16-41-21-19 defines a crime concerning health, sanitation, and safety.

Sec. 67. IC 16-41-22-21 defines a crime concerning health, sanitation, and safety.

Sec. 68. IC 16-41-22-22 defines a crime concerning health, sanitation, and safety.

Sec. 69. IC 16-41-23-4 defines a crime concerning health, sanitation, and safety.

Sec. 70. IC 16-41-24-11 defines a crime concerning health, sanitation, and safety.

Sec. 71. IC 16-41-25-2 defines a crime concerning health, sanitation, and safety.

Sec. 72. IC 16-41-27-34 defines a crime concerning health, sanitation, and safety.

Sec. 73. IC 16-41-29-5 defines a crime concerning regulation of lodging facilities and bedding materials.

Sec. 74. IC 16-41-32-30 defines a crime concerning regulation of lodging facilities and bedding materials.

Sec. 75. IC 16-41-33-9 defines a crime concerning pest control.

Sec. 76. IC 16-41-34-8 defines a crime concerning pest control.

Sec. 77. IC 16-41-35-40 defines a crime concerning radiation.

Sec. 78. IC 16-41-38-10 defines a crime concerning radon gas.

Sec. 79. IC 16-42-1-16 defines a crime concerning Uniform Food, Drug, and Cosmetic Act.

Sec. 80. IC 16-42-1-34 defines a crime concerning Uniform Food, Drug, and Cosmetic Act.

Sec. 81. IC 16-42-2-8 defines a crime concerning Uniform Food, Drug, and Cosmetic Act.

Sec. 82. IC 16-42-2-9 defines a crime concerning Uniform Food, Drug, and Cosmetic Act.

Sec. 83. IC 16-42-3-12 defines a crime concerning Uniform Food, Drug, and Cosmetic Act.

Sec. 84. IC 16-42-4-5 defines a crime concerning Uniform Food, Drug, and Cosmetic Act.

Sec. 85. IC 16-42-5-26 defines a crime concerning sanitary requirements for food establishments.

Sec. 86. IC 16-42-5-27 defines a crime concerning sanitary requirements for food establishments.

Sec. 87. IC 16-42-10-13 defines a crime concerning food.

Sec. 88. IC 16-42-18-7 defines a crime concerning food.

Sec. 89. IC 16-42-19-27 defines a crime concerning the Indiana Legend Drug Act.

Sec. 90. IC 16-42-21-4 defines a crime concerning drug samples.

Sec. 91. IC 16-44-1-1 defines a crime concerning product labeling and inspection.

Sec. 92. IC 16-44-2-22 defines a crime concerning product labeling and inspection.

Sec. 93. IC 16-46-6-12 defines a crime concerning state health grants and programs.

Chapter 20. IC 20 Criminal Statutes

Sec. 1. IC 20-27-3-8 defines a crime concerning school transportation.

Sec. 2. IC 20-27-5-33 defines a crime concerning school transportation.

Sec. 3. IC 20-27-6-8 defines a crime concerning school transportation.

Sec. 4. IC 20-27-7-19 defines a crime concerning school transportation.

Sec. 5. IC 20-27-8-3 defines a crime concerning school transportation.

Sec. 6. IC 20-27-8-16 defines a crime concerning school transportation.

Sec. 7. IC 20-27-9-17 defines a crime concerning school transportation.

Sec. 8. IC 20-27-10-4 defines a crime concerning school transportation.

Sec. 9. IC 20-33-2-44 defines a crime concerning compulsory school attendance.

Chapter 21. IC 21 Crimes

Sec. 1. IC 21-12-6.5-5 defines a crime concerning scholarships and grants.

Sec. 2. IC 21-14-4-7 defines a crime concerning state educational institutions.

Sec. 3. IC 21-14-7-12 defines a crime concerning state educational institutions.

Sec. 4. IC 21-14-10-7 defines a crime concerning state educational institutions.

Sec. 5. IC 21-18.5-6-25 defines a crime concerning postsecondary credit bearing proprietary educational institution accreditation.

Chapter 22. IC 22 Crimes

Sec. 1. IC 22-1-1-22 defines a crime concerning the department of labor.

Sec. 2. IC 22-2-2-11 defines a crime concerning wages, hours, and benefits.

Sec. 3. IC 22-2-7-7 defines a crime concerning wages, hours, and benefits.

Sec. 4. IC 22-3-1-5 defines a crime concerning the worker's compensation system.

Sec. 4.4. IC 22-3-4-13 defines a crime concerning the worker's compensation system.

Sec. 4.5. IC 22-3-7-37 defines a crime concerning the worker's occupational diseases compensation.

Sec. 5. IC 22-4-11.5-10 defines a crime concerning the unemployment compensation system.

Sec. 6. IC 22-4-19-6 defines a crime concerning the unemployment compensation system.

Sec. 7. IC 22-4-29-14 defines a crime concerning the unemployment compensation system.

Sec. 7.5. IC 22-4-34-2 defines a crime concerning the unemployment compensation system.

Sec. 8. IC 22-4-34-3 defines a crime concerning the unemployment compensation system.

Sec. 9. IC 22-4-34-4 defines a crime concerning the unemployment compensation system.

Sec. 10. IC 22-4-34-5 defines a crime concerning the unemployment compensation system.

Sec. 11. IC 22-4.1-4-4 defines a crime concerning the department of workforce development.

Sec. 12. IC 22-4.1-21-38 defines a crime concerning postsecondary proprietary educational institution accreditation.

Sec. 13. IC 22-5-1-1 defines a crime concerning unlawful labor practices.

Sec. 14. IC 22-6-2-13 defines a crime concerning labor relations.

Sec. 14.5. IC 22-6-6-10 defines a crime concerning labor relations.

Sec. 15. IC 22-7-1-3 defines a crime concerning labor organizations.

Sec. 16. IC 22-8-1.1-24.2 defines a crime concerning occupational health and safety.

Sec. 17. IC 22-8-1.1-49 defines a crime concerning occupational health and safety.

Sec. 18. IC 22-9.5-10-1 defines a crime concerning Indiana fair housing.

Sec. 19. IC 22-11-14-3 defines a crime concerning building and safety regulations.

Sec. 20. IC 22-11-14-6 defines a crime concerning building and safety regulations.

Sec. 21. IC 22-11-14.5-9 defines a crime concerning building and safety regulations.

Sec. 22. IC 22-11-14.5-10 defines a crime concerning building and safety regulations.

Sec. 23. IC 22-11-14.5-11 defines a crime concerning building and safety regulations.

Sec. 24. IC 22-11-14.5-12 defines a crime concerning building and safety regulations.

Sec. 25. IC 22-11-15-6 defines a crime concerning building and safety regulations.

Sec. 26. IC 22-11-17-3 defines a crime concerning building and safety regulations.

Sec. 27. IC 22-11-17-4 defines a crime concerning building and safety regulations.

Sec. 28. IC 22-11-18-5 defines a crime concerning building and safety regulations.

Sec. 29. IC 22-11-20-6 defines a crime concerning building and safety regulations.

Sec. 30. IC 22-15-4-7 defines a crime concerning building and equipment laws.

Sec. 31. IC 22-15-7-9 defines a crime concerning building and equipment laws.

Chapter 23. IC 23 Crimes

Sec. 1. IC 23-1-18-10 defines a crime concerning business corporation law.

Sec. 2. IC 23-2-2.5-37 defines a crime concerning securities and franchises.

Sec. 3. IC 23-2-5-16 defines a crime concerning securities and franchises.

Sec. 4. IC 23-2-6-33 defines a crime concerning securities and franchises.

Sec. 5. IC 23-7-8-8 defines a crime concerning civil or charitable corporations.

Sec. 6. IC 23-14-31-52 defines a crime concerning cemetery associations.

Sec. 7. IC 23-14-34-9 defines a crime concerning cemetery associations.

Sec. 8. IC 23-14-36-3 defines a crime concerning cemetery associations.

Sec. 9. IC 23-14-37-3 defines a crime concerning cemetery associations.

Sec. 10. IC 23-14-38-3 defines a crime concerning cemetery associations.

Sec. 11. IC 23-14-44-3 defines a crime concerning cemetery associations.

Sec. 12. IC 23-14-46-8 defines a crime concerning cemetery associations.

Sec. 13. IC 23-14-47-5 defines a crime concerning cemetery associations.

Sec. 14. IC 23-14-48-9 defines a crime concerning cemetery associations.

Sec. 15. IC 23-14-49-3 defines a crime concerning cemetery associations.

Sec. 16. IC 23-14-51-5 defines a crime concerning cemetery associations.

Sec. 17. IC 23-14-54-5 defines a crime concerning cemetery associations.

Sec. 18. IC 23-14-56-3 defines a crime concerning cemetery associations.

Sec. 19. IC 23-14-57-7 defines a crime concerning cemetery associations.

Sec. 20. IC 23-14-58.5-5 defines a crime concerning cemetery associations.

Sec. 21. IC 23-17-29-10 defines a crime concerning nonprofit corporations.

Sec. 22. IC 23-18-12-10 defines a crime concerning limited liability companies.

Sec. 23. IC 23-19-5-8 defines a crime concerning the Indiana Uniform Securities Act.

Sec. 24. IC 23-20-1-31 defines a crime concerning victims of securities violations.

Chapter 24. IC 24 Criminal Statutes

Sec. 1. IC 24-1-1-3 defines a crime concerning combinations in restraint of trade.

Sec. 2. IC 24-1-2-1 defines a crime concerning combinations in restraint of trade.

Sec. 3. IC 24-1-2-2 defines a crime concerning combinations in restraint of trade.

Sec. 4. IC 24-1-2-3 defines a crime concerning combinations in restraint of trade.

Sec. 5. IC 24-1-3-1 defines a crime concerning combinations in restraint of trade.

Sec. 6. IC 24-1-4-3 defines a crime concerning combinations in restraint of trade.

Sec. 7. IC 24-2-2-3 defines a crime concerning trademarks, trade names, and trade secrets.

Sec. 8. IC 24-3-4-15 defines a crime concerning tobacco products.

Sec. 9. IC 24-3-4-16 defines a crime concerning tobacco products.

Sec. 10. IC 24-3-4-17 defines a crime concerning tobacco products.

Sec. 11. IC 24-3-5.4-24 defines a crime concerning tobacco products.

Sec. 12. IC 24-4-1-1 defines a crime concerning regulated businesses.

Sec. 13. IC 24-4-3-5 defines a crime concerning regulated businesses.

Sec. 14. IC 24-4-4-5 defines a crime concerning regulated businesses.

Sec. 15. IC 24-4-6-1 defines a crime concerning regulated businesses.

Sec. 16. IC 24-4-11-11 defines a crime concerning regulated businesses.

Sec. 17. IC 24-4-12-11 defines a crime concerning regulated businesses.

Sec. 18. IC 24-4-13-6 defines a crime concerning regulated businesses.

Sec. 19. IC 24-4-16.4-4 defines a crime concerning regulated businesses.

Sec. 20. IC 24-4-19-21 defines a crime concerning regulated businesses.

Sec. 21. IC 24-4.5-5-301 defines a crime concerning the Uniform Consumer Credit Code.

Sec. 22. IC 24-4.5-5-302 defines a crime concerning the Uniform Consumer Credit Code.

Sec. 23. IC 24-4.6-3-4 defines a crime concerning unauthorized solicitation of money using the name of a public safety agency.

Sec. 24. IC 24-5-8-19 defines a crime concerning consumer sales.

Sec. 25. IC 24-5-12-22 defines a crime concerning consumer sales.

Sec. 26. IC 24-5-12-25 defines a crime concerning consumer sales.

Sec. 27. IC 24-5-14-10 defines a crime concerning consumer sales.

Sec. 28. IC 24-5-14.5-11 defines a crime concerning false or misleading caller identification.

Sec. 29. IC 24-5-16-16 defines a crime concerning consumer sales.

Sec. 29.5. IC 24-5-19-10 defines a crime concerning consumer sales.

Sec. 30. IC 24-5-23.5-9 defines a crime concerning consumer sales.

Sec. 31. IC 24-5.5-6-1 defines a crime concerning mortgage rescue protection fraud.

Sec. 32. IC 24-6-1-1 defines a crime concerning standard weights and measures.

Sec. 33. IC 24-6-3-15 defines a crime concerning standard weights and measures.

Sec. 34. IC 24-6-6-11 defines a crime concerning standard weights and measures.

Sec. 35. IC 24-7-9-1 defines a crime concerning rental purchase agreements.

Sec. 36. IC 24-7-9-2 defines a crime concerning rental purchase agreements.

Sec. 37. IC 24-7-9-3 defines a crime concerning rental purchase agreements.

Sec. 38. IC 24-8-6-1 defines a crime concerning promotional gifts and contests.

Sec. 39. IC 24-9-8-1 defines a crime concerning home loan practices.

Chapter 25. IC 25 Criminal Statutes

Sec. 1. IC 25-2.1-13-3 defines a crime concerning accountants.

Sec. 2. IC 25-2.5-3-4 defines a crime concerning acupuncturists.

Sec. 2.5. IC 25-3.7-3-2 defines a crime concerning anesthesiologist assistants.

Sec. 3. IC 25-5.1-4-2 defines a crime concerning athletic trainers.

Sec. 4. IC 25-5.2-2-12 defines a crime concerning athlete agents.

Sec. 5. IC 25-6.1-7-1 defines a crime concerning auctioneers and auctions.

Sec. 6. IC 25-6.1-7-2 defines a crime concerning auctioneers and auctions.

Sec. 7. IC 25-8-15.4-25 defines a crime concerning beauty culture.

Sec. 8. IC 25-10-1-11 defines a crime concerning chiropractors.

Sec. 9. IC 25-11-1-12 defines a crime concerning collection agencies.

Sec. 10. IC 25-13-1-3 defines a crime concerning dental hygienists.

Sec. 11. IC 25-14-1-25 defines a crime concerning dentists.

Sec. 12. IC 25-14-1-25.5 defines a crime concerning dentists.

Sec. 13. IC 25-14-4-6 defines a crime concerning dentists.

Sec. 13.5. IC 25-14.3-5-1 defines a crime concerning diabetes educators.

Sec. 14. IC 25-14.5-7-2 defines a crime concerning dietitians.

Sec. 15. IC 25-16-1-18 defines a crime concerning employment services.

Sec. 16. IC 25-17.3-5-3 defines a crime concerning genetic counselors.

Sec. 17. IC 25-17.6-8-2 defines a crime concerning geologists.

Sec. 18. IC 25-18-1-19 defines a crime concerning distress sales.

Sec. 19. IC 25-20-1-21 defines a crime concerning hearing aid dealers.

Sec. 20. IC 25-20.7-5-1 defines a crime concerning interior designers.

Sec. 21. IC 25-21.5-5-10 defines a crime concerning professional surveyors.

Sec. 22. IC 25-21.5-13-2 defines a crime concerning professional surveyors.

Sec. 23. IC 25-21.8-7-1 defines a crime concerning massage therapists.

Sec. 24. IC 25-22.5-8-2 defines a crime concerning physicians.

Sec. 25. IC 25-22.5-8-3 defines a crime concerning physicians.

Sec. 26. IC 25-23-1-27 defines a crime concerning nurses.

Sec. 27. IC 25-23.4-3-7 defines a crime concerning certified direct entry midwives.

Sec. 28. IC 25-23.5-3-2 defines a crime concerning occupational therapists.

Sec. 29. IC 25-23.6-3-3 defines a crime concerning marriage and family therapists.

Sec. 30. IC 25-23.6-4-4 defines a crime concerning marriage and family therapists.

Sec. 31. IC 25-23.6-4.5-4 defines a crime concerning marriage and family therapists.

Sec. 32. IC 25-23.6-7-7 defines a crime concerning marriage and family therapists.

Sec. 33. IC 25-23.6-10.1-6 defines a crime concerning marriage and family therapists.

Sec. 34. IC 25-23.6-11-1 defines a crime concerning marriage and family therapists.

Sec. 35. IC 25-23.6-11-2 defines a crime concerning marriage and family therapists.

Sec. 36. IC 25-23.6-11-3 defines a crime concerning marriage and family therapists.

Sec. 37. IC 25-23.7-7-5 defines a crime concerning manufactured home installers.

Sec. 38. IC 25-24-1-18 defines a crime concerning optometrists.

Sec. 39. IC 25-24-3-17 defines a crime concerning optometrists.

Sec. 40. IC 25-26-13-29 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 41. IC 25-26-14-23 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 42. IC 25-26-14-25 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 43. IC 25-26-14-26 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 44. IC 25-26-14-27 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 45. IC 25-26-19-9 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 46. IC 25-26-21-11 defines a crime concerning pharmacists, pharmacies, and drug stores.

Sec. 47. IC 25-27-1-12 defines a crime concerning physical therapists.

Sec. 48. IC 25-27.5-7-2 defines a crime concerning physician assistants.

Sec. 49. IC 25-28.5-1-31 defines a crime concerning plumbers.

Sec. 50. IC 25-29-9-1 defines a crime concerning podiatrists.

Sec. 51. IC 25-30-1-21 defines a crime concerning private investigator firms, security guards, and polygraph examiners.

Sec. 52. IC 25-30-1.3-23 defines a crime concerning private investigator firms, security guards, and polygraph examiners.

Sec. 53. IC 25-31-1-13 defines a crime concerning engineers.

Sec. 54. IC 25-31-1-27 defines a crime concerning engineers.

Sec. 55. IC 25-31.5-8-7 defines a crime concerning soil scientists.

Sec. 56. IC 25-33-1-15 defines a crime concerning psychologists.

Sec. 57. IC 25-34.5-3-2 defines a crime concerning respiratory care practitioners.

Sec. 58. IC 25-35.6-3-10 defines a crime concerning speech pathologists and audiologists.

Sec. 59. IC 25-36.1-1-2 defines a crime concerning certified surgical technologists.

Sec. 60. IC 25-36.5-1-10 defines a crime concerning timber buyers.

Sec. 61. IC 25-36.5-1-15 defines a crime concerning timber buyers.

Sec. 62. IC 25-38.1-4-10 defines a crime concerning veterinarians.

Sec. 63. IC 25-38.1-4-11 defines a crime concerning veterinarians.

Sec. 64. IC 25-39-5-1 defines a crime concerning water well drilling contractors.

Sec. 65. IC 25-39-5-7 defines a crime concerning water well drilling contractors.

Sec. 66. IC 25-41-1-2 defines a crime concerning behavior analysts.

Chapter 26. IC 26 Criminal Statutes

Sec. 1. IC 26-1-9.1-320 defines a crime concerning the Uniform Commercial Code.

Sec. 2. IC 26-3-2-1 defines a crime concerning warehouses.

Sec. 3. IC 26-3-2-2 defines a crime concerning warehouses.

Sec. 4. IC 26-3-2-3 defines a crime concerning warehouses.

Sec. 5. IC 26-3-2-4 defines a crime concerning warehouses.

Sec. 6. IC 26-3-2-5 defines a crime concerning warehouses.

Sec. 7. IC 26-3-4-4 defines a crime concerning warehouses.

Sec. 8. IC 26-3-7-34 defines a crime concerning warehouses.

Sec. 9. IC 26-4-8-1 defines a crime concerning the grain indemnity program.

Sec. 10. IC 26-4-8-2 defines a crime concerning the grain indemnity program.

Sec. 11. IC 26-4-8-3 defines a crime concerning the grain indemnity program.

Chapter 27. IC 27 Criminal Statutes

Sec. 1. IC 27-1-2-4 defines a crime concerning the department of insurance.

Sec. 2. IC 27-1-3-14 defines a crime concerning the department of insurance.

Sec. 3. IC 27-1-3-18 defines a crime concerning the department of insurance.

Sec. 4. IC 27-1-3-20 defines a crime concerning the department of insurance.

Sec. 5. IC 27-1-7-15 defines a crime concerning the department of insurance.

Sec. 6. IC 27-1-7-23 defines a crime concerning the department of insurance.

Sec. 7. IC 27-1-9-15 defines a crime concerning the department of insurance.

Sec. 8. IC 27-1-12-26 defines a crime concerning the department of insurance.

Sec. 9. IC 27-1-22-24 defines a crime concerning the department of insurance.

Sec. 10. IC 27-1-34-7 defines a crime concerning the department of insurance.

Sec. 11. IC 27-5.1-2-39 defines a crime concerning farm mutual insurance companies.

Sec. 11.5. IC 27-7-3-17 defines a crime concerning abstract and title insurance.

Sec. 12. IC 27-8-1-17 defines a crime concerning life, accident, and health insurance.

Sec. 13. IC 27-8-3-21 defines a crime concerning life, accident, and health insurance.

Sec. 14. IC 27-10-4-1 defines a crime concerning bail law.

Sec. 15. IC 27-10-4-2 defines a crime concerning bail law.

Sec. 16. IC 27-10-4-3 defines a crime concerning bail law.

Sec. 17. IC 27-10-4-4 defines a crime concerning bail law.

Sec. 18. IC 27-10-4-5 defines a crime concerning bail law.

Sec. 19. IC 27-10-4-6 defines a crime concerning bail law.

Sec. 20. IC 27-11-9-3 defines a crime concerning fraternal benefit societies.

Chapter 28. IC 28 Criminal Statutes

Sec. 1. IC 28-1-2-36 defines a crime concerning the department of financial institutions.

Sec. 2. IC 28-1-13-10 defines a crime concerning the department of financial institutions.

Sec. 3. IC 28-1-23-7 defines a crime concerning the department of financial institutions.

Sec. 4. IC 28-1-29-13 defines a crime concerning the department of financial institutions.

Sec. 5. IC 28-5-1-8 defines a crime concerning industrial loan and investment companies.

Sec. 6. IC 28-6.1-6-22 defines a crime concerning savings banks.

Sec. 7. IC 28-6.1-9-15 defines a crime concerning savings banks.

Sec. 8. IC 28-7-1-39 defines a crime concerning credit unions.

Sec. 9. IC 28-7-5-37 defines a crime concerning pawnbrokers.

Sec. 10. IC 28-8-4-58 defines a crime concerning financial services.

Sec. 11. IC 28-8-5-25 defines a crime concerning financial services.

Sec. 12. IC 28-11-3-1 defines a crime concerning the department of financial institutions.

Sec. 13. IC 28-11-4-11 defines a crime concerning the department of financial institutions.

Sec. 14. IC 28-11-5-2 defines a crime concerning the department of financial institutions.

Chapter 30. IC 30 Criminal Statutes

Sec. 1. IC 30-2-9-7 defines a crime concerning prepaid funeral plans and funeral trust funds.

Sec. 2. IC 30-2-10-9 defines a crime concerning funeral trust funds.

Sec. 3. IC 30-2-13-38 defines a crime concerning payment of funeral, burial services, or merchandise in advance of need.

Chapter 31. IC 31 Criminal Statutes

Sec. 1. IC 31-11-11-1 defines a crime concerning marriage.

Sec. 2. IC 31-11-11-2 defines a crime concerning marriage.

Sec. 3. IC 31-11-11-3 defines a crime concerning marriage.

Sec. 4. IC 31-11-11-4 defines a crime concerning marriage.

Sec. 5. IC 31-11-11-6 defines a crime concerning marriage.

Sec. 6. IC 31-11-11-7 defines a crime concerning marriage.

Sec. 7. IC 31-19-5-24 defines a crime concerning adoption.

Sec. 8. IC 31-19-5-25 defines a crime concerning adoption.

Sec. 9. IC 31-19-18-7 defines a crime concerning adoption.

Sec. 10. IC 31-19-19-5 defines a crime concerning adoption.

Sec. 11. IC 31-19-24-15 defines a crime concerning adoption.

Sec. 12. IC 31-19-29-5 defines a crime concerning adoption.

Sec. 13. IC 31-27-3-35 defines a crime concerning regulation of residential child care.

Sec. 14. IC 31-27-4-36 defines a crime concerning regulation of residential child care.

Sec. 15. IC 31-27-5-35 defines a crime concerning regulation of residential child care.

Sec. 16. IC 31-27-6-32 defines a crime concerning regulation of residential child care.

Sec. 17. IC 31-33-22-1 defines a crime concerning reporting and investigation of child abuse and neglect.

Sec. 18. IC 31-33-22-2 defines a crime concerning reporting and investigation of child abuse and neglect.

Sec. 19. IC 31-33-22-3 defines a crime concerning reporting and investigation of child abuse and neglect.

Sec. 20. IC 31-33-22-4 defines a crime concerning reporting and investigation of child abuse and neglect.

Sec. 21. IC 31-34-2.3-7 defines a crime concerning children in need of services.

Sec. 22. IC 31-34-2.3-8 defines a crime concerning children in need of services.

Chapter 32. IC 32 Criminal Statutes

Sec. 1. IC 32-28-3-15 defines a crime concerning liens on real property.

Sec. 2. IC 32-32-3-1 defines a crime concerning time shares and camping clubs.

Sec. 3. IC 32-34-1-45 defines a crime concerning lost or unclaimed personal property.

Sec. 4. IC 32-34-9-13 defines a crime concerning lost or unclaimed personal property.

Chapter 33. IC 33 Criminal Statutes

Sec. 1. IC 33-28-5-17 defines a crime concerning jury service.

Sec. 2. IC 33-35-4-3 defines a crime concerning city and town courts.

Sec. 3. IC 33-39-5-1 defines a crime concerning prosecuting attorneys.

Sec. 4. IC 33-39-6-1 defines a crime concerning prosecuting attorneys.

Sec. 5. IC 33-42-2-10 defines a crime concerning notaries public.

Sec. 6. IC 33-42-4-2 defines a crime concerning notaries public.

Sec. 7. IC 33-42-4-3 defines a crime concerning notaries public.

Sec. 8. IC 33-43-1-8 defines a crime concerning the practice of law.

Sec. 9. IC 33-43-2-1 defines a crime concerning the practice of law.

Chapter 34. IC 34 Criminal Statutes

Sec. 1. IC 34-12-2-8 defines a crime concerning domestic relations actions.

Sec. 2. IC 34-28-2-3 defines a crime concerning change of name.

Sec. 3. IC 34-28-5-3.5 defines a crime concerning infraction and ordinance violation enforcement proceedings.

Sec. 4. IC 34-54-4-1 defines a crime concerning judgments.

Chapter 36. IC 36 Criminal Statutes

Sec. 1. IC 36-2-2-13 defines a crime concerning county government.

Sec. 1.5. IC 36-2-2.5-15 defines a crime concerning single county executives.

Sec. 2. IC 36-2-6-8 defines a crime concerning county government.

Sec. 3. IC 36-2-6-12 defines a crime concerning county government.

Sec. 4. IC 36-2-7-18 defines a crime concerning county government.

Sec. 5. IC 36-2-8-6 defines a crime concerning county government.

Sec. 6. IC 36-2-9-13 defines a crime concerning county government.

Sec. 7. IC 36-2-9-14 defines a crime concerning county government.

Sec. 8. IC 36-2-9.5-7 defines a crime concerning county government.

Sec. 9. IC 36-2-9.5-9 defines a crime concerning county government.

Sec. 10. IC 36-2-13-5 defines a crime concerning county government.

Sec. 11. IC 36-2-14-10 defines a crime concerning county government.

Sec. 12. IC 36-2-14-17 defines a crime concerning county government.

Sec. 13. IC 36-2-14-21 defines a crime concerning county government.

Sec. 14. IC 36-4-8-13 defines a crime concerning government of cities and towns.

Sec. 15. IC 36-7-12-27.5 defines a crime concerning planning and development.

Sec. 16. IC 36-7-14-40 defines a crime concerning planning and development.

Sec. 17. IC 36-7-15.1-27 defines a crime concerning planning and development.

Sec. 18. IC 36-7-30-28 defines a crime concerning planning and development.

Sec. 19. IC 36-7-30.5-36 defines a crime concerning planning and development.

Sec. 20. IC 36-8-3.5-23 defines a crime concerning public safety.

Sec. 21. IC 36-8-10-9 defines a crime concerning public safety.

Sec. 22. IC 36-8-16.7-41 defines a crime concerning public safety.

Sec. 23. IC 36-8-16.7-45 defines a crime concerning public safety.

Sec. 24. IC 36-8-16.7-46 defines a crime concerning public safety.

Sec. 25. IC 36-9-14-7 defines a crime concerning transportation and public works.

Sec. 26. IC 36-10-3-39 defines a crime concerning recreation, culture, and community facilities.

Sec. 27. IC 36-10-4-5 defines a crime concerning recreation, culture, and community facilities.

Sec. 28. IC 36-10-4-40 defines a crime concerning recreation, culture, and community facilities.

SECTION 3. [EFFECTIVE JULY 1, 2014] **(a) The general assembly recognizes that this act repeals IC 35-51 and that other acts of the 2014 regular session of the general assembly add or amend provisions in IC 35-51. The general assembly intends to repeal IC 35-51.**

SECTION 4. [EFFECTIVE JULY 1, 2014] **The general assembly recognizes that this act adds IC 35-52-25-18 and that HEA 1005-2014 repeals that section. The general assembly intends to repeal IC 35-52-25-18.**

(b) This SECTION expires January 1, 2015.

P.L.170-2014
[H.1009. Approved March 26, 2014.]

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

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

SECTION 1. IC 34-30-2-146.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 146.4. IC 35-33-5-13 (Concerning electronic communications services, remote computing services, and geolocation information services for compliance with warrant laws).**

SECTION 2. IC 35-31.5-2-110.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 110.5. "Electronic communication service", for purposes of IC 35-33-5, means a service that provides users with the ability to send or receive wire or electronic communications.**

SECTION 3. IC 35-31.5-2-111.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 111.5. "Electronic storage", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(2).**

SECTION 4. IC 35-31.5-2-112.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: **Sec. 112.5. "Electronic user data", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(3).**

SECTION 5. IC 35-31.5-2-143.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 143.3. "Geolocation information" means data generated by an electronic device that can be used to determine the location of the device or the owner of the device. The term includes a cellular telephone, a wireless fidelity (wi-fi) equipped computer, or a GPS navigation or tracking unit. The term does not include the content of a communication.**

SECTION 6. IC 35-31.5-2-143.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 143.5. "Geolocation information service" means a person that offers or provides GPS service or other mapping, locational, or directional services to the public by means of an electronic device, including a cellular telephone, a wireless fidelity (wi-fi) equipped computer, or a GPS navigation or tracking unit.**

SECTION 7. IC 35-31.5-2-144, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 144. **(a)** "Governmental entity" means:

(1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;

(2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or

(3) a state assisted college or state assisted university.

(b) For purposes of IC 35-33-5, "governmental entity" also includes a person authorized to act on behalf of a state or local agency.

SECTION 8. IC 35-31.5-2-175.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 175.5. "Intercept", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(5).**

SECTION 9. IC 35-31.5-2-186, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 186. (a) "Lawful detention" means:

(1) arrest;

(2) custody following surrender in lieu of arrest;

(3) detention in a penal facility;

(4) detention in a facility for custody of persons alleged or found to be delinquent children;

(5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;

(6) detention for extradition or deportation;

(7) placement in a community corrections program's residential facility;

(8) electronic monitoring;

(9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court appearances, work, or recreation; or

(10) any other detention for law enforcement purposes.

(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

(c) The term does not include electronic monitoring through the use of an unmanned aerial vehicle under IC 35-33-5-9.

SECTION 10. IC 35-31.5-2-273.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 273.8. "Remote computing service", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(6).**

SECTION 11. IC 35-31.5-2-337.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 337.5. "Tracking device", for purposes of IC 35-33-5 and this chapter, means an electronic or mechanical device that allows a person to remotely determine or track the position or movement of another person or an object. The term includes the following:**

(1) A device that stores geographic data for subsequent access or analysis.

(2) A device that allows real-time monitoring or movement.

(3) An unmanned aerial vehicle.

(4) A cellular telephone or other wireless or cellular communications device.

SECTION 12. IC 35-31.5-2-342.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 342.3. "Unmanned aerial vehicle", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(7).**

SECTION 13. IC 35-31.5-2-343.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 343.5. "Use of a tracking device", for purposes of IC 35-33-5, includes the installation, maintenance, and monitoring of a tracking device. The term does not include:**

(1) the capture, collection, monitoring, or viewing of images; or

(2) the use of a monitoring device with respect to a person required to be tracked or monitored:

(A) as a condition of bail;

(B) as a condition of probation, parole, or community corrections;

(C) as a requirement of sex offender registration; or

(D) as part of a sentence imposed for a crime.

SECTION 14. IC 35-31.5-2-343.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 343.7. "Use of an unmanned aerial vehicle", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(8).**

SECTION 15. IC 35-31.5-2-343.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 343.8. "User", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(9).**

SECTION 16. IC 35-33-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. The following definitions apply throughout this chapter:**

(1) "Electronic communication service" means a service that provides users with the ability to send or receive wire or electronic communications.

(2) "Electronic storage" means any storage of electronic user data on a computer, computer network, or computer system regardless of whether the data is subject to recall, further manipulation, deletion, or transmission. "Electronic storage" includes any storage or electronic communication by an electronic communication service or a remote computing service.

(3) "Electronic user data" means any data or records that are in the possession, care, custody, or control of a provider of an electronic communication service, a remote computing service, or any other service or program that stores, uses, collects, or safeguards electronic user data.

(4) "Governmental entity" has the meaning set forth in IC 35-31.5-2-144. For purposes of this chapter, "governmental entity" also includes a person authorized to act on behalf of a state or local agency.

(5) "Intercept" means to acquire geolocation data through the use of an electronic device, mechanical device, or other device.

(6) "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communication service.

(7) "Unmanned aerial vehicle" means an aircraft that:

(A) does not carry a human operator; and

(B) is capable of flight under remote control or autonomous programming.

(8) "Use of an unmanned aerial vehicle" means the use of an unmanned aerial vehicle by a law enforcement officer to obtain evidence relevant to the enforcement of statutes, rules, or regulations. The term includes:

(A) the interception of wire, electronic, or oral communications; and

(B) the capture, collection, monitoring, or viewing of images.

(9) "User" means any person who:

(A) uses an electronic communication service, remote computing service, geolocation information service, or an electronic device; and

(B) may or may not be the person or entity having legal title, claim, or right to the electronic device or electronic user data.

SECTION 17. IC 35-33-5-2, AS AMENDED BY P.L.2-2005, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in section 8 of this chapter, **and subject to the requirements of section 11 of this chapter, if applicable,** no warrant for search or arrest shall be issued until there is filed with the judge an affidavit:

(1) particularly describing:

(A) the house or place to be searched and the things to be searched for; or

(B) particularly describing the person to be arrested;

(2) alleging substantially the offense in relation thereto and that the affiant believes and has good cause to believe that:

(A) the things ~~as are to be searched for are there concealed;~~ **sought are concealed there;** or

(B) the person to be arrested committed the offense; and

(3) setting forth the facts ~~then in knowledge of~~ **known to** the affiant **through personal knowledge** or ~~information~~ based on hearsay, constituting the probable cause.

(b) When based on hearsay, the affidavit must either:

(1) contain reliable information establishing the credibility of the source and of each of the declarants of the hearsay and establishing that there is a factual basis for the information furnished; or

(2) contain information that establishes that the totality of the circumstances corroborates the hearsay.

(c) An affidavit for search substantially in the following form shall be treated as sufficient:

STATE OF INDIANA)
) SS:
COUNTY OF _____)

A B swears (or affirms, as the case may be) that he believes and has good cause to believe (here set forth the facts and

information constituting the probable cause) that (here describe the things to be searched for and the offense in relation thereto) are concealed in or about the (here describe the house or place) of C D, situated in the county of _____, in said state.

~~Subscribed and sworn to before me this _____ day of _____ 20__.~~

In accordance with Indiana Trial Rule 11, I affirm under the penalties for perjury that the foregoing representations are true.

_____

(Signed) Affiant Date

SECTION 18. IC 35-33-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) A judge may issue a search or arrest warrant without the affidavit required under section 2 of this chapter, if the judge receives ~~sworn~~ testimony **subject to the penalties for perjury** of the same facts required for an affidavit:

(1) in a nonadversarial, recorded hearing before the judge;

(2) orally by telephone or radio; ~~or~~

(3) in writing by facsimile transmission (FAX); **or**

(4) in writing by electronic mail or other electronic transmission.

(b) If a warrant is issued under subsection (a)(1), the judge shall order the court reporter to type or transcribe the testimony from the hearing for entry in the record. The judge shall then certify the transcript.

~~(b)~~ **(c)** After reciting the facts required for an affidavit and verifying the facts recited under penalty of perjury, an applicant for a warrant under subsection (a)(2) shall read to the judge from a warrant form on which the applicant enters the information read by the applicant to the judge. The judge may direct the applicant to modify the warrant. If the judge agrees to issue the warrant, the judge shall direct the applicant to sign the judge's name to the warrant, adding the time of the issuance of the warrant.

~~(c)~~ **(d)** After transmitting an affidavit, an applicant for a warrant under subsection (a)(3) **or (a)(4)** shall transmit to the judge a copy of a warrant form completed by the applicant. The judge may modify the transmitted warrant. If the judge agrees to issue the warrant, the judge

shall **sign, affix the date and time, and** transmit to the applicant a duplicate of the warrant. ~~The judge shall then sign the warrant retained by the judge, adding the time of the issuance of the warrant.~~

~~(d)~~ **(e)** If a warrant is issued under subsection (a)(2), the judge shall record the conversation on audio tape and order the court reporter to type or transcribe the recording for entry in the record. The judge shall certify the audio tape, the transcription, and the warrant retained by the judge for entry in the record.

~~(e)~~ **(f)** If a warrant is issued under subsection (a)(3), ~~the judge shall~~ **the facsimile copy of the affidavit and warrant sent to the judge shall be retained as if they were the originals. If a warrant is issued under subsection (a)(4), the electronically transmitted copy of the affidavit and warrant sent to the judge shall be printed and retained as if they were the originals.** ~~order the court reporter to the retype or copy the facsimile transmission for entry in the record. The judge shall certify the transcription or copy and warrant retained by the judge for entry in the record.~~

~~(f)~~ **(g)** The court reporter shall notify the applicant who received a warrant under subsection **(a)(1) or** (a)(2) ~~or (a)(3)~~ when the transcription ~~or copy~~ required under this section is entered in the record. The applicant shall sign the ~~typed,~~ transcribed ~~or copied~~ entry upon receiving notice from the court reporter.

(h) The affiant and the judge may use an electronic signature on the affidavit and warrant. An electronic signature may be indicated by "s/Affiant's Name" or "s/Judge's Name" or by any other electronic means that identifies the affiant or judge and indicates that the affiant or judge adopts the contents of the document to which the electronic signature is affixed.

SECTION 19. IC 35-33-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) Except as provided in subsection (b), a law enforcement officer must obtain a search warrant in order to use an unmanned aerial vehicle.**

(b) A law enforcement officer or governmental entity may use an unmanned aerial vehicle without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle:

(1) is required due to:

(A) the existence of exigent circumstances necessitating a warrantless search;

(B) the substantial likelihood of a terrorist attack;

(C) the need to conduct a search and rescue or recovery operation;

(D) the need to conduct efforts:

(i) in response to; or

(ii) to mitigate;

the results of a natural disaster or any other disaster; or

(E) the need to perform a geographical, an environmental, or any other survey for a purpose that is not a criminal justice purpose; or

(2) will be conducted with the consent of any affected property owner.

SECTION 20. IC 35-33-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10. The following are not admissible as evidence in an administrative or judicial proceeding:**

(1) A communication or an image that is obtained through the use of an unmanned aerial vehicle in violation of section 9 of this chapter.

(2) Evidence derived from a communication or an image described in subdivision (1).

SECTION 21. IC 35-33-5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 11. (a) This subsection does not apply to electronic or video toll collection facilities or activities authorized under any of the following:**

(1) IC 8-15-2.

(2) IC 8-15-3.

(3) IC 8-15.5.

(4) IC 8-15.7.

(5) IC 8-16.

(6) IC 9-21-3.5.

A law enforcement officer may not compel a user to provide a passkey, password, or keycode to any electronic communication service, electronic device, or electronic storage, or any form of stored electronic user data, without a valid search warrant issued by a judge using search warrant procedures.

(b) A judge may issue a court order under this section for electronic user data held in electronic storage, including the records and information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communication service or a provider of a remote computing service regardless of whether the user data is held at a location in Indiana or at a location in another state.

(c) A judge may issue a court order under this section on a service provider that is a corporation or entity that is incorporated or organized under the laws of Indiana or a company or business entity doing business in Indiana under a contract or terms of a service agreement with an Indiana resident. The service provider shall produce all information sought, as required by the court order.

(d) Any Indiana corporation that provides electronic communication services or remote computing services to the public shall comply with a valid court order issued in another state that is seeking the information described in this section, if the court order is served on the corporation.

SECTION 22. IC 35-33-5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) A law enforcement officer or law enforcement agency may not use a real time tracking instrument that is capable of obtaining geolocation information concerning a cellular device or a device connected to a cellular network unless:**

(1) the law enforcement officer or law enforcement agency has obtained an order issued by a court based upon a finding of probable cause to use the tracking instrument; or

(2) exigent circumstances exist that necessitate using the tracking instrument without first obtaining a court order.

(b) If a law enforcement officer or law enforcement agency uses a real time tracking instrument described in subsection (a) based upon the existence of exigent circumstances, the law enforcement officer or law enforcement agency shall seek to obtain an order issued by a court based upon a finding of probable cause not later than seventy-two (72) hours after the initial use of the real time tracking instrument.

SECTION 23. IC 35-33-5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. An electronic communication service, remote computing service, and geolocation information service are immune from civil or criminal liability for providing information or evidence as required by a court order under this chapter.**

SECTION 24. IC 35-33-5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. (a) For purposes of IC 34-46-4 (Journalist's Privilege Against Disclosure of Information Source) and subject to subsection (b), if:**

(1) a governmental entity requests that a court issue a search warrant to a provider of:

(A) electronic communication service; or

(B) remote computing service; and

(2) the search warrant seeks information or communications concerning a news media entity or a person otherwise described in IC 34-46-4-1;

the news media entity or person described in IC 34-46-4-1 shall be given reasonable and timely notice of the search warrant request and shall be given an opportunity to be heard by the court concerning the issuance of the search warrant before the search warrant is issued.

(b) If:

(1) the search warrant that would be issued to a provider described in subsection (a)(1) concerns a criminal investigation in which the news media entity or person described in IC 34-46-4-1 is a target of the criminal investigation; and

(2) the notice that would be provided to the news media entity or person described in IC 34-46-4-1 under subsection (a) would pose a clear and substantial threat to the integrity of the criminal investigation;

the governmental entity shall certify the threat to the court and notice of the search warrant shall be given to the news media entity or person described in IC 34-46-4-1 as soon as the court determines that the notice no longer poses a clear and substantial threat to the integrity of the criminal investigation.

SECTION 25. IC 35-38-2.5-3, AS AMENDED BY P.L.31-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this chapter, "monitoring device" means an electronic device that:

(1) can record or transmit information twenty-four (24) hours each day regarding an offender's:

(A) presence or absence from the offender's home; or

(B) precise location;

(2) is minimally intrusive upon the privacy of the offender or other persons residing in the offender's home;

(3) with the written consent of the offender and with the written consent of other persons residing in the home at the time an order for home detention is entered, may record or transmit:

(A) a visual image;

(B) an electronic communication or any sound; or

(C) information regarding the offender's activities while inside the offender's home; and

(4) can notify a probation department, a community corrections program, or a contract agency if the offender violates the terms of a home detention order.

(b) The term includes any device that can reliably determine the location of an offender and track the locations where the offender has been, including a device that uses a global positioning system satellite service.

(c) The term does not include an unmanned aerial vehicle (as defined in IC 35-31.5-2-342.3).

SECTION 26. IC 35-46-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 8.5. Unlawful Photography and Surveillance on Private Property

Sec. 1. (a) This section does not apply to any of the following:

(1) Electronic or video toll collection facilities or activities authorized under any of the following:

(A) IC 8-15-2.

(B) IC 8-15-3.

(C) IC 8-15.5.

(D) IC 8-15.7.

(E) IC 8-16.

(F) IC 9-21-3.5.

(2) A law enforcement officer who has obtained:

(A) a search warrant; or

(B) the consent of the owner or private property;

to place a camera or electronic surveillance equipment on private property.

(b) A person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data of any kind while unattended on the private property of another person without the consent of the owner or tenant of the private property commits a Class A misdemeanor.

SECTION 27. [EFFECTIVE JULY 1, 2014] **(a) The general assembly urges the legislative council to assign to a study committee during the 2014 legislative interim the topic of digital privacy, including:**

(1) issues related to:

(A) searches of electronic devices;

(B) compelling the disclosure of electronic user data;

(C) the collection and use of geolocation information; and

(D) the collection and use of biometric information;

by government agencies; and

(2) any other issue concerning digital privacy and related subjects.

(b) If a study committee is assigned the topic described in subsection (a), the study committee shall issue to the legislative council a final report containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(c) This SECTION expires January 1, 2015.

P.L.171-2014
[H.1036. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-7-2-98.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 98.2. "Group size", for purposes of IC 12-17.2-3.5, means the number of children who routinely work, learn, eat, sleep, and play together inside and outside a facility where a provider operates a child care program.**

SECTION 2. IC 12-17.2-3.5-4, AS AMENDED BY P.L.225-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A provider is ineligible to receive a voucher payment if the provider:

(1) has been convicted of a:

(A) felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) misdemeanor related to:

(i) the health or safety of a child; or

(ii) welfare fraud;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child;

(2) allows an individual who has been convicted of a crime specified under subdivision (1) to reside with the provider, if the provider operates a child care program in the provider's home;

(3) employs an individual or allows an individual to volunteer who:

(A) has direct contact with a child who is receiving child care from the provider; and

(B) has been convicted of a crime specified in subdivision (1);

(4) has had a revocation of eligibility under this chapter during the immediately preceding two (2) years; or

(5) fails to meet the requirements of this chapter.

(b) A provider whose:

(1) license under IC 12-17.2-4 or IC 12-17.2-5; or

(2) compliance with this chapter;

is subject to an enforcement action is ineligible to receive a voucher payment, regardless of whether the provider meets the requirements of this chapter, until the outcome of any proceeding under IC 4-21.5 reflects a final determination that the provider's license or eligibility is in good standing.

(c) If the division decertifies a provider under this chapter, the provider:

(1) may reapply for eligibility to receive a voucher payment at any time that the provider is able to demonstrate compliance with this chapter; and

(2) is not eligible to receive a voucher payment under this chapter until the provider receives notice from the division that the provider's application under subdivision (1) has been approved.

(d) In determining whether a provider meets the requirements of this chapter, the division may not consider religious instruction or activities.

SECTION 3. IC 12-17.2-3.5-5, AS AMENDED BY P.L.225-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A provider shall have:

(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and

(2) hot and cold running water;

in the area of the facility where the provider operates a child care program.

(b) A provider shall meet sanitation standards for bathrooms and handwashing, as established by the division.

(c) Beginning July 1, 2015, a provider shall have, and maintain compliance with, a written policy describing the practice of the provider concerning the following:

(1) Safe conditions in the facility and on the grounds.

(2) Safety of motor vehicles used to transport children.

(d) At the time a provider establishes the written policy required by subsection (c), and at the time of any subsequent change to the written policy, the provider shall:

(1) file with the division;

(2) post in a public location in the facility where the provider operates a child care program; and

(3) provide to the parent or guardian of each child in the care of the provider;

a copy of the written policy or change. The written policy required by subsection (c) is not subject to approval by the division.

(e) Beginning July 1, 2015, a provider shall make available daily activities appropriate to the age, developmental needs, interests, and number of children in the care of the provider, including the following:

(1) Both active and quiet play. The provider may include the use of safe, age-appropriate toys, games, and equipment for indoor and outdoor play.

(2) Daily outdoor play, unless one (1) of the following applies:

(A) Severity of the weather poses a safety or health hazard.

(B) A health related reason for a child to remain indoors is documented by the child's parent, guardian, or physician.

(f) Beginning July 1, 2015, a provider shall make available to each child in the provider's care the following:

(1) Appropriately timed, nutritious meals and snacks in a quantity sufficient to meet the needs of the child.

(2) Drinking water at all times.

(g) The division may make available to a provider educational materials related to quality of child care, as follows:

(1) The materials are available at no cost to the provider.

(2) The materials are appropriate to the ages of children cared for by the provider.

(3) The materials are current.

(4) The materials are available electronically.

(5) Use of the materials by the provider is voluntary.

SECTION 4. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the provider's care is continually supervised by a caregiver.

(b) A provider ~~who~~ **that** cares for children who are less than twelve (12) months of age shall:

(1) complete the training course provided or approved by the division under IC 12-17.2-2-1(10) concerning safe sleeping practices; and

(2) ensure that all caregivers of children who are less than twelve (12) months of age follow safe sleeping practices.

(c) After June 30, 2015, a provider that cares for:

(1) not more than sixteen (16) children at a facility where the provider operates a child care program shall maintain:

(A) a ratio of children to caregivers in the same proportions as specified in the child to staff ratio requirements; and

(B) the same group sizes as specified in the group size requirements;

that apply to a child care home under IC 12-17.2-5; and

(2) more than sixteen (16) children at a facility where the provider operates a child care program shall maintain:

(A) a ratio of children to caregivers in the same proportions as specified in the child to staff ratio requirements; and

(B) the same group sizes as specified in the group size requirements;

that apply to a child care center under IC 12-17.2-4.

SECTION 5. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by a provider shall be present at all times when a child is in the care of the provider.

(b) The following apply to an individual who is employed or volunteers as a caregiver at a facility where a provider operates a child care program:

(1) The individual shall maintain current certification in first aid applicable to all age groups of children cared for by the provider.

(2) If the individual is:

(A) at least eighteen (18) years of age, the individual may act as a caregiver without supervision of another caregiver; or

(B) less than eighteen (18) years of age, the individual may act as a caregiver only if the individual:

(i) is at least fourteen (14) years of age; and

(ii) is, at all times when child care is provided, directly supervised by a caregiver who is at least eighteen (18) years of age.

~~(3) The provider must verify that an employee or a volunteer has received training concerning child abuse detection and prevention.~~

~~(4)~~ **(3)** Before beginning employment or volunteer duties, the individual must receive a formal orientation to the facility and the child care program.

(4) Beginning July 1, 2015, unless the provider is a parent, stepparent, guardian, custodian, or other relative to each child in the care of the provider, the individual annually must receive at least twelve (12) hours of continuing education approved by the division and related to the age appropriate educational development, care, and safety of children. The hours of continuing education required by this subdivision may include the training described in this chapter concerning child abuse detection and prevention, first aid, cardiopulmonary resuscitation, and safe sleeping practices.

(5) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive

training approved by the division concerning child abuse detection and prevention.

(c) A provider shall:

(1) maintain at the facility where the provider operates a child care program documentation of all training **and completion of continuing education** required by this section; and

(2) make the documentation available to the division upon request.

SECTION 6. IC 12-17.2-3.5-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. (a) A provider shall provide to all employees and volunteers of the provider the written material prepared and made available by the division under subsection (c).**

(b) An employee or a volunteer of a provider who has reason to believe that a child in the provider's care is a victim of child abuse or neglect shall make a report as required under IC 31-33-5.

(c) The division shall do the following:

(1) Prepare written material specifying the following:

(A) The duty to report known or suspected child abuse or neglect under IC 31-33-5.

(B) That knowing failure to make a report required by:

(i) IC 31-33-5-1; or

(ii) IC 31-33-5-2;

is a Class B misdemeanor under IC 31-33-22-1.

(2) Make the written material under subdivision (1) available to providers.

SECTION 7. IC 12-17.2-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a)** A provider shall have at least one (1) working telephone in each facility where the provider operates a child care program.

(b) A provider shall, in each facility where the provider operates a child care program, have a communication device (which may be the telephone required by subsection (a)) that is:

(1) approved by the division; and

(2) compatible with an automated time and attendance tracking system approved by the division.

SECTION 8. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a) The division may, according to rules adopted under IC 4-22-2, decertify a provider for any of the following reasons:**

(1) The provider fails to comply with this chapter.

(2) The provider refuses to allow, during normal business hours, the division or an agent of the division to inspect the facility where the provider operates a child care program.

(b) A provider is ineligible, and the division may revoke for a period of not less than two (2) years from the date on which a final determination is made under IC 4-21.5 a provider's eligibility, to receive a voucher payment under this chapter for any of the following reasons:

(1) The provider is determined by the division to have made false statements in the provider's:

(A) application for eligibility to receive a voucher payment; or

(B) records required by the division;

under this chapter.

(2) Credible allegations of fraud have been made against the provider, as determined by the division.

(3) Criminal charges of welfare fraud have been filed against the provider.

(4) Allegations of welfare fraud committed by the provider have been substantiated by the division.

SECTION 9. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) A provider shall immediately notify the parent or legal guardian of a child in the care of the provider concerning any of the following that occur during the hours that the child is in the care of the provider:**

(1) A:

(A) bodily injury (as defined in IC 35-31.5-2-29); or

(B) serious bodily injury (as defined in IC 35-31.5-2-292);

of the child that requires the attention of a physician, dentist, registered nurse, licensed practical nurse, paramedic, or emergency medical technician.

(2) The death of the child.

(b) A provider shall:

(1) not more than twenty-four (24) hours after the occurrence of an incident described in subsection (a)(1); and

(2) immediately after the occurrence of an incident described in subsection (a)(2);

notify the division of the occurrence of the incident.

(c) Information that:

(1) is obtained under subsection (b);

(2) concerns a bodily injury or serious bodily injury described in subsection (a)(1); and

(3) could be used to identify an individual child;

is confidential.

SECTION 10. IC 16-38-5-3, AS AMENDED BY P.L.122-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release information from the immunization data registry to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following persons or entities:

(1) The immunization data registry of another state.

(2) A provider or a provider's designee.

(3) A local health department.

(4) An elementary or secondary school that is attended by the individual.

(5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.

(6) A child care home that is licensed under IC 12-17.2-5 in which the individual is enrolled.

(7) A child care ministry that is registered under IC 12-17.2-6 in which the individual is enrolled.

~~(6)~~ **(8)** The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.

~~(7)~~ **(9)** A child placing agency licensed under IC 31-27.

~~(8)~~ **(10)** A college or university (as defined in IC 21-7-13-10) that is attended by the individual.

(d) Before immunization data may be released to a person or an entity, the person or entity must enter into a data use agreement with the state department that provides that information that identifies a patient will not be released to any other person or entity without the written consent of the patient unless the release is to a person or entity described in subsection (c).

(e) The state department may release summary statistics regarding information in the immunization data registry to a person or entity that has entered into a data use agreement with the state department.

P.L.172-2014
[H.1037. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-14-3-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.6. As used in this chapter, "broadcaster" has the meaning set forth in IC 10-13-5-2.**

SECTION 2. IC 10-14-3-0.7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.7. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.~~

SECTION 3. IC 10-14-3-0.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.8. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.5-4.**

SECTION 4. IC 10-14-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2014]: **Sec. 2.5. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.**

SECTION 5. IC 10-14-3-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22.5. (a) Broadcasters in Indiana, in cooperation with the agency, the Indiana Public Broadcasting Stations, Inc., and the Indiana Broadcasters Association or a successor association, shall develop comprehensive and coordinated plans for:**

(1) preparation for; and

(2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. A program established under this subsection must:

(1) be consistent with federal law and guidelines;

(2) provide training and education concerning:

(A) restoration of;

(B) repairing;

(C) resupplying; or

(D) any combination of the activities under clauses (A) through (C) related to;

any facilities or equipment of a broadcaster in an area affected by an emergency or disaster; and

(3) provide training and education concerning the personal safety of a first response broadcaster in an area affected by an emergency or disaster.

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response broadcaster access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit essential emergency or disaster-related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

SECTION 6. IC 10-14-3-22.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22.6. (a) Communications service providers in Indiana, in cooperation with the agency, the Indiana Cable Telecommunications Association, and the Indiana Telecommunications Association or a successor association, shall develop comprehensive and coordinated plans for:**

(1) preparation for; and

(2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents communications service providers may establish a program for training and certifying communications service engineers and technical personnel as first response communications service providers. A program established under this subsection must:

(1) be consistent with federal law and guidelines;

(2) provide training and education concerning:

(A) restoration of;

(B) repairing;

(C) resupplying; or

(D) any combination of the activities under clauses (A) through (C) related to;

any facilities or equipment of a communications service provider in an area affected by an emergency or disaster; and

(3) provide training and education concerning the personal safety of a first response communications service provider in an area affected by an emergency or disaster.

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response communications service provider access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a communications service provider to acquire, produce, or transmit essential emergency or disaster related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

SECTION 7. IC 10-14-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) A local disaster emergency:

(1) may be declared only by the principal executive officer of a political subdivision; and

(2) may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision.

Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision.

(b) The effect of a declaration of a local disaster emergency is to:

(1) activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans; and

(2) authorize the furnishing of aid and assistance under the plans.

(c) An interjurisdictional agency or official may not declare a local disaster emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services according to the agreement.

(d) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals engaged in employment necessary to:

(1) maintain a safe rail system;

(2) restore utility service; or

(3) provide any other emergency public service;

from traveling on the highways within the political subdivision during the local disaster emergency.

(e) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response broadcasters, as set forth in section 22.5 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.

(f) If a local emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response communications service providers, as set forth in section 22.6 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.

P.L.173-2014
[H.1039. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning agriculture.

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

SECTION 1. IC 15-11-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 12. Indiana Grown Initiative

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

Sec. 2. As used in this chapter, "program" refers to the Indiana grown initiative program established by section 8 of this chapter.

Sec. 3. The Indiana grown commission is established.

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

(1) The director or the director's designee, as an ex officio member, who serves as chairperson of the commission.

(2) Two (2) members who represent an organization or association that represents the agriculture industry and growers of Indiana produced agricultural products, with one (1) of the members representing the state's largest general farming organization.

(3) Two (2) members who represent an organization or association that represents restaurants that sell Indiana produced agricultural products.

(4) Two (2) members who represent an organization or association that represents retailers that sell Indiana produced agricultural products.

(5) Two (2) members who represent farmers' markets that sell Indiana produced agricultural products. The members may not be producers of agricultural products.

(6) Two (2) members who have expertise in marketing, promotions, or agritourism.

(7) The dean of the college of agriculture of Purdue University or the dean's designee, as an ex officio member.

The secretary shall appoint the members under subdivisions (2) through (6).

(b) The term of a member appointed under subsection (a)(2) through (a)(6) is three (3) years. The secretary may stagger the initial terms of the members under this subsection.

Sec. 5. The commission shall meet at least quarterly at the call of the chairperson.

Sec. 6. Seven (7) voting members of the commission constitute a quorum.

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

(b) Expenses under this section shall be paid from money in the Indiana grown initiative fund established by section 9(a) of this chapter. However, if there is insufficient money in the fund to pay the expenses, the department shall reimburse the expenses from funds appropriated to the department.

Sec. 8. (a) The Indiana grown initiative program is established to market and promote Indiana produced agricultural products to Indiana residents, restaurants, grocery stores, farmers' markets, wholesalers, processors, and other retail businesses.

(b) The department shall develop, administer, market, and promote the program.

(c) The department may establish fees for participation in the program. Any fees collected must be deposited into the fund.

(d) The department may adopt rules under IC 4-22-2 to administer this chapter.

(e) The department shall provide administrative support for the commission and program.

(f) The commission shall provide comment and policy feedback on the program to the department.

(g) The commission may provide technical assistance and industry knowledge for the program.

Sec. 9. (a) The Indiana grown initiative fund is established for the purpose of carrying out the purposes of this chapter. The fund shall be administered by the department.

(b) The fund consists of the following:

(1) Fees collected under this chapter.

(2) Appropriations.

(3) Gifts, contributions, and grants.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 10. (a) Before November 1 of each year, the commission shall submit a report to the legislative council that:

(1) details the commission's activities under this chapter during the preceding state fiscal year;

(2) recommends any legislation the commission considers useful in coordinating and streamlining the efforts of state government to assist and encourage the establishment and growth of small businesses in Indiana; and

(3) provides any other information determined by the commission.

(b) The annual report submitted under this section must be in an electronic format under IC 5-14-6.

P.L.174-2014
[H.1041. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 33-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

(1) Notaries public.
(2) Justices and judges of courts, in their respective jurisdictions.
(3) The secretary of state.
(4) The clerk of the supreme court.
(5) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.
(6) Clerks of circuit courts and master commissioners, in their respective counties.
(7) Judges of United States district courts of Indiana, in their respective jurisdictions.
(8) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
(9) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
(10) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
(11) County auditors, in their respective counties.
(12) Any member of the general assembly anywhere in Indiana.
(13) The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or

civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard, for any purpose related to the service of an active or reserve duty member of the Indiana National Guard.

P.L.175-2014
[H.1052. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-30.1-1, AS ADDED BY P.L.5-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "military base" means a United States government military installation that:

(1) has an area of at least sixty thousand (60,000) acres; and

(2) is used for the design, construction, maintenance, and testing of electronic devices and ordnance.

The term includes a geographic area, other than the area described in subdivision (1), of at least four hundred (400) acres that a military base uses for the purposes described in subdivision (2).

P.L.176-2014
[H.1074. Approved March 26, 2014.]

AN ACT concerning pensions.

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

SECTION 1. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "fund" refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1.**

(b) Not later than October 1, 2014, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2013, and who is entitled to receive a monthly benefit on July 1, 2014. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	$150
At least 10 years, but less than 20 years	$275
At least 20 years, but less than 30 years	$375
At least 30 years	$450

(d) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.4-4-10 to pay the monthly benefit to the survivors or beneficiaries.

(f) This SECTION expires January 1, 2015.

SECTION 2. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.**

(b) Not later than October 1, 2014, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2013, and who is entitled to receive a monthly benefit on July 1, 2014. The amount is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	$150
At least 10 years, but less than 20 years	$275
At least 20 years, but less than 30 years	$375
At least 30 years	$450

(d) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.3-8-15 to pay the monthly benefit to the survivors or beneficiaries.

(f) This SECTION expires January 1, 2015.

SECTION 3. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "participant" has the meaning set forth in IC 5-10-5.5-1.**

(b) As used in this SECTION, "plan" refers to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by IC 5-10-5.5-2.

(c) Not later than October 1, 2014, the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 shall pay the amount determined under subsection (d) to a plan participant (or to a survivor or beneficiary of a plan participant) who retired or was disabled on or before December 1, 2013, and who is entitled to receive a monthly benefit on July 1, 2014. The amount is not an increase in the annual retirement allowance.

(d) The amount paid under this SECTION to a plan participant of the fund (or to a survivor or beneficiary of a plan participant) who meets the requirements of subsection (c) is determined as follows:

If a Plan Participant's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	$125
At least 10 years, but less than 20 years	$235
At least 20 years, but less than 30 years	$325
At least 30 years	$400

(e) The creditable service used to determine the amount paid to a plan participant (or to a survivor or beneficiary of a plan participant) under this SECTION is the creditable service that was used to compute the plan participant's retirement allowance under IC 5-10-5.5-10 and IC 5-10-5.5-12, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(f) If two (2) or more survivors of a plan participant are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors in shares using the same percentages as the percentages determined under IC 5-10-5.5-16 to pay the monthly benefit to the survivors.

(g) This SECTION expires January 1, 2015.

SECTION 4. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2014, the trustee shall pay from the trust fund to each employee beneficiary of the state police pre-1987 benefit system covered by IC 10-12-3 who:

(1) retired or was disabled before July 2, 2013; and

(2) is entitled to receive a monthly benefit as of September 1, 2014;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty (20) years of service as of July 1, 2014, as calculated under IC 10-12-3-7.

(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.

(e) This SECTION expires January 1, 2015.

SECTION 5. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.

(c) Not later than October 1, 2014, the trustee shall pay from the trust fund to each employee beneficiary of the state police 1987 benefit system covered by IC 10-12-4 who:

(1) retired or was disabled after June 30, 1987, and before July 2, 2013; and

(2) is entitled to receive a monthly benefit as of September 1, 2014;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2014, as calculated under IC 10-12-4-7.

(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.

(e) This SECTION expires January 1, 2015.

P.L.177-2014
[H.1075. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning pensions.

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

SECTION 1. IC 4-3-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The surviving spouse of each individual who:

(1) serves as governor; and

(2) is entitled to a retirement benefit under section 1.1 of this chapter;

is entitled to an annual pension.

(b) The pension to which a governor's surviving spouse is entitled under this section shall be paid in equal monthly installments by the treasurer of state on warrant of the auditor of state after a claim has been made for the pension to the auditor by:

(1) the surviving spouse; or

(2) a person acting on behalf of the surviving spouse.

(c) The annual pension to which a governor's surviving spouse is entitled under this section is equal to the following:

(1) For the surviving spouse of a governor who died before July 1, 1998, the greater of:

(A) the annual retirement benefit received by the surviving spouse during the year beginning July 1, 1998; or

(B) ten thousand dollars ($10,000).

(2) For the surviving spouse of a governor who dies after June 30, 1998, the greater of:

(A) fifty percent (50%) of the annual retirement benefit that the governor to whom the surviving spouse was married was receiving or was entitled to receive on the date of the governor's death; or

(B) ten thousand dollars ($10,000).

(d) The surviving spouse of a governor must make the election required under subsection (c)(1) or (c)(2). Once a surviving spouse has received any pension payment under this section, the election is irrevocable.

(e) A governor's surviving spouse is entitled to receive the pension provided under this section for life. ~~unless the surviving spouse remarries.~~

(f) Notwithstanding any other law to the contrary, the pension provided under this section is in addition to any other retirement benefits a governor's surviving spouse is entitled to receive.

SECTION 2. IC 5-10-1.1-3.5, AS AMENDED BY P.L.242-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) This section applies to an individual who becomes an employee of the state after June 30, 2007.

(b) Unless an employee notifies the state that the employee does not want to enroll in the deferred compensation plan, on day thirty-one (31) of the employee's employment:

(1) the employee is automatically enrolled in the deferred compensation plan; and

(2) the state is authorized to begin deductions as otherwise allowed under this chapter.

(c) The auditor of state shall provide written notice to an employee of the provisions of this chapter. The notice provided under this subsection must:

(1) be provided:

(A) with the employee's first paycheck; and

(B) on paper that is a color that is separate and distinct from the color of the employee's paycheck;

(2) contain a statement concerning:

(A) the purposes of;

(B) procedures for notifying the state that the employee does not want to enroll in;

(C) the tax consequences of; and

(D) the details of the state match for employee contribution to;

the deferred compensation plan; and

(3) list the telephone number, electronic mail address, and other contact information for the auditor of state, who serves as plan administrator.

(d) This subsection applies to contributions made before July 1, 2011. Notwithstanding IC 22-2-6, except as provided by subsection (h), the state shall deduct from an employee's compensation as a contribution to the deferred compensation plan established by the state under this chapter an amount equal to the maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan established under section 1.5(a) of this chapter.

(e) This subsection applies to contributions made after June 30, 2011, and before July 1, 2013. Notwithstanding IC 22-2-6 and except as provided by subsection (h), during the first year an employee is enrolled under subsection (b) in the deferred compensation plan, the state shall deduct each pay period from the employee's compensation as a contribution to the deferred compensation plan an amount equal to the greater of the following:

(1) The maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan established under section 1.5(a) of this chapter.

(2) One-half percent (0.5%) of the employee's base salary.

(f) This subsection applies to contributions made after June 30, 2013. Notwithstanding IC 22-2-6 and except as provided by subsection (h), during the first year an employee is enrolled under subsection (b) in the deferred compensation plan, the state shall deduct each pay period from the employee's compensation as a contribution to the deferred compensation plan an amount equal to the greater of the following:

(1) The maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan established under section 1.5(a) of this chapter.

(2) Two percent (2%) of the employee's base salary.

(g) This subsection applies to a year:

(1) after the first year in which an employee is enrolled in the deferred compensation plan; and

(2) in which the employee does not affirmatively choose a contribution amount under subsection (h).

The percentage of the employee's base salary used for the year in subsection (e)(2) or (f)(2) to determine the employee's contribution increases by one-half percent (0.5%) from the percentage determined in the immediately preceding year. The maximum percentage of an

employee's base salary that may be deducted under this subsection is ~~three~~ **five** percent ~~(3%).~~ **(5%).** The contribution increase occurs on the anniversary date of the employee's enrollment in the deferred compensation plan.

(h) An employee may contribute to the deferred compensation plan established by the state under this chapter an amount other than the amount described in subsections (d) through (g) by affirmatively choosing to contribute:

(1) a higher amount;

(2) a lower amount; or

(3) zero (0).

SECTION 3. IC 5-10.2-4-4, AS AMENDED BY P.L.115-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The computation of benefits under this section is subject to IC 5-10.2-2-1.5.

(b) For retirement benefits payable on and after July 1, 1975, for a member retired on and after January 1, 1956, the pension (p) is computed as follows:

STEP ONE: Multiply one and one-tenths percent (1.1%) times the average of the annual compensation (aac) and obtain a product.

STEP TWO: To obtain the pension, multiply the STEP ONE product by the total creditable service (scr) completed by the member on the member's retirement date.

Expressed mathematically:

p = (.011) times (aac) times (scr)

(c) Unless the member:

(1) has chosen a lump sum payment under section 2(b) of this chapter;

(2) has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5; or

(3) elects to defer receiving in any form the member's annuity savings account under section 2(c) of this chapter;

the annuity is the amount purchasable on the member's retirement date by the amount credited to the member in the annuity savings account. The amount purchasable is based on actuarial tables adopted by the board under IC 5-10.2-2-10 at an interest rate determined by the board **under IC 5-10.5-4-2.6.**

SECTION 4. IC 5-10.5-4-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. Notwithstanding any other provision in this article, IC 5-10.2, IC 5-10.3, or IC 5-10.4, the board may not, before January 1, 2017, enter into an agreement with a third party provider to provide annuities for retiring members of:**

(1) the public employees' retirement fund; or

(2) the teachers' retirement fund.

SECTION 5. IC 5-10.5-4-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.6. (a) This subsection applies after September 30, 2014, and before January 1, 2017.The following interest rates shall be used to determine the annuity amount purchasable by a member of the public employees' retirement fund or the teachers' retirement fund who elects to receive, as part of the member's retirement or disability benefit, an annuity provided by the amount credited to the member in the member's annuity savings account:**

(1) After September 30, 2014, and before October 1, 2015, five and seventy-five hundredths percent (5.75%).

(2) After September 30, 2015, and before January 1, 2017, the greater of:

(A) the interest rate for similar annuities being purchased in the private market as determined by the board; or

(B) four and one-half percent (4.5%).

(b) This subsection applies after December 31, 2016, whenever the board enters into an agreement with a third party provider to provide annuities for retiring members of the public employees' retirement fund or the teachers' retirement fund. The interest rate used to determine the annuity amount purchasable by a member is equal to the rate for similar annuities being purchased in the private market as recommended by the third party provider.

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

P.L.178-2014
[H.1139. Approved March 26, 2014.]

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

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

SECTION 1. IC 25-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed ~~for or represented as aiding, improving or correcting defective human~~ **and fit for an individual with a** hearing **loss** and any parts, attachments or accessories of such an instrument or device. **The term does not include a personal sound amplifier.**

"Personal sound amplifier" means a device that simply magnifies sound and does not address an individual's specific hearing loss.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

SECTION 2. IC 25-20-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

(1) after the last date the registrant renewed a certificate under this chapter; or

(2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the ~~National~~ **International** Institute for Hearing Instrument Studies.

(e) When a registrant renews a certificate issued under this chapter, the registrant must comply with IC 25-1-4-3.

SECTION 3. IC 25-20-1-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 26. A person may not sell, lease, or rent a hearing aid in Indiana unless the person complies with the requirements under IC 25-35.6-4-1.**

SECTION 4. IC 25-35.6-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 4. Unlawful Practices

Sec. 1. (a) This section does not apply to a prescription or order by a person who:

(1) is licensed, certified, registered, or regulated by a board listed in IC 25-1-9-1; and

(2) has authority to issue a prescription or order for a hearing aid.

(b) A person may not sell, lease, or rent a hearing aid (as defined in IC 25-20-1-1) in Indiana unless the hearing aid has been fitted in person by any of the following:

(1) A hearing aid dealer who has been issued a certificate of registration under IC 25-20.

(2) An audiologist who is licensed under this article.

(c) A person who violates this section commits a Class B infraction.

SECTION 5. [EFFECTIVE JULY 1, 2014] **(a) Before September 1, 2014, the state department of health shall, with assistance from the center for deaf and hard of hearing education:**

(1) determine the number of Indiana residents who are less than nineteen (19) years of age and are hearing impaired; and

(2) determine the estimated cost for:

(A) a state program; and

(B) a health insurance requirement;

to provide hearing aids to the individuals identified in subdivision (1).

(b) The state department of health shall report its findings under this SECTION in an electronic format under IC 5-14-6 to the legislative council before October 15, 2014.

(c) This SECTION expires December 31, 2014.

P.L.179-2014
[H.1140. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 11-8-2-12.4, AS AMENDED BY P.L.216-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.4. The department shall do the following:

(1) Maintain the Indiana sex and violent offender registry established under IC 36-2-13-5.5. The department shall ensure that a sex offender's Social Security number remains unavailable to the public.

(2) Prescribe and approve a format for sex or violent offender registration as required by IC 11-8-8.

(3) Provide:

(A) judges;

(B) law enforcement officials;

(C) prosecuting attorneys;

(D) parole officers;

(E) probation officers; and

(F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex and violent offender registry.

(4) Upon request of a neighborhood association:

(A) transmit to the neighborhood association information concerning sex or violent offenders who reside near the location of the neighborhood association; or

(B) provide instructional materials concerning the use of the Indiana sex and violent offender registry to the neighborhood association.

(5) Maintain records on every sex or violent offender who:

(A) is incarcerated;

(B) has relocated out of state; and

(C) is no longer required to register due to the expiration of the sex or violent offender's registration period.

(6) Create policies that provide for a schedule of progressive parole incentives and violation sanctions, including judicial review procedures, and submit the policies to the parole board for review.

SECTION 2. IC 11-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The parole board shall:

(1) organize the division and employ personnel as are needed to properly discharge the functions of the board;

(2) make parole release and revocation decisions under IC 11-13-3 and IC 35-50-6-1;

(3) make pardon, clemency, reprieve, and remission recommendations to the governor under IC 11-9-2;

(4) collect, develop, and maintain statistical information concerning its services and decisions;

(5) keep records of its official actions and make them accessible according to law;

(6) review and approve policies created by the department under IC 11-8-2-12.4(6) that provide for a schedule of progressive parole incentives and violation sanctions, including judicial review procedures;

~~(6)~~ **(7)** cooperate with public and private agencies, local communities, and private groups and individuals for the development and improvement of its services;

~~(7)~~ **(8)** explain its functions to the public; and

~~(8)~~ **(9)** make an annual report to the governor by September 1 of each year containing a description of its operations for the preceding fiscal year ending June 30, an evaluation of its effectiveness, any recommendations for statutory, budgetary, or other changes considered necessary to improve its effectiveness, and any other information required by law.

(b) The parole board may:

(1) conduct inquiries, investigations, and reviews and hold hearings to properly discharge its functions;

(2) issue subpoenas, enforceable by action in circuit and superior courts, to compel any person to appear, give sworn testimony, or produce documentary evidence relating to any matter under inquiry, investigation, hearing, or review;

(3) administer oaths and take testimony of persons under oath;

(4) request from any public agency assistance, services, and information that will enable it to properly discharge its functions;

(5) enter, without notice, premises within the department's control, to confer with any committed person;

(6) adopt, under IC 4-22-2, rules to properly discharge its functions; and

(7) exercise any other power necessary in discharging its duties and powers.

SECTION 3. IC 11-13-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Parole revocation hearings shall be conducted as follows:

(1) A parolee who is confined due to an alleged violation of parole shall be afforded a parole revocation hearing within sixty (60) days after the parolee is made available to the department by a jail or state correctional facility, if:

(A) there has been a final determination of any criminal charges against the parolee; or

(B) there has been a final resolution of any other detainers filed by any other jurisdiction against the parolee.

(2) A parolee who is not confined and against whom is pending a charge of parole violation shall be afforded a parole revocation hearing within one hundred eighty (180) days after the earlier of:

(A) the date an order was issued for the parolee's appearance at a parole revocation hearing; or

(B) the date of the parolee's arrest on the parole violation warrant.

The revocation hearing shall be conducted by at least one (1) member of the parole board, and the purpose of the hearing is to determine whether a violation of a condition to remaining on parole has occurred and, if so, the appropriate action. In connection with the hearing, the parolee is entitled to those procedural safeguards enumerated in section 9(a) of this chapter. The parolee may offer evidence in mitigation of the alleged violation.

(b) If it is determined from the evidence presented that the parolee did not commit a parole violation, the charge shall be dismissed.

(c) If it is determined that the parolee did violate parole, the parole board may continue parole, with or without modifying the conditions, or revoke the parole and order the parolee imprisoned on either a continuous or intermittent basis. If, however, the violation is the commission of a new:

(1) Level 1 felony or Level 2 felony, the parole board shall revoke the parole and order continuous imprisonment; **or**

(2) Level 3 felony, Level 4 felony, Level 5 felony, or Level 6 felony, the parole board may revoke the parole and order continuous imprisonment.

(d) The parolee shall be provided with a written statement of the reasons for the action taken under subsection (c).

(e) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the revocation hearing is not held within the time established by subsection (a).

(f) A parolee may admit to a violation of parole and waive the right to a parole revocation hearing if the parole officer notifies the parolee of the alleged violation in writing and provides notice of the parole revocation hearing before the parole revocation hearing. If the parolee:

(1) admits to a violation and requests to waive the parole revocation hearing, the parole officer shall advise the person that by waiving the right to a parole revocation hearing, the person forfeits the rights provided under section 9(a) of this chapter; and

(2) waives the right to a parole revocation hearing, the person can be subjected only to sanctions that have been approved under IC 11-9-1-2.

P.L.180-2014
[H.1141. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

~~(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.~~

~~(14)~~ **(13)** Develop and manage the gang crime witness protection program established by section 21 of this chapter.

~~(15)~~ **(14)** Identify grants and other funds that can be used to fund the gang crime witness protection program.

~~(16)~~ **(15)** Administer any sexual offense services.

~~(17)~~ **(16)** Administer domestic violence programs.

~~(18)~~ **(17)** Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

~~(19)~~ **(18)** Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

~~(20)~~ **(19)** Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 2. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, ~~"institute"~~ **"department"** refers to the ~~Indiana criminal justice institute established by section 3 of this chapter.~~ **state police department.**

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the ~~institute~~ **department** shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, and in accordance with ~~subsections (h) and (i),~~ **subsection (g),** the ~~institute~~ **department** shall publish the list of properties that have been used as

the site of a methamphetamine laboratory on a web site maintained by the ~~institute.~~ **department. If methamphetamine is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the methamphetamine was manufactured.** The ~~institute~~ **department** shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. ~~The web site shall be referred to as the "methamphetamine laboratory web site".~~

(e) The ~~institute~~ **department** shall remove a listed property from the web site **not later than ninety (90) days** after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15. ~~or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.~~

(f) ~~Notwithstanding subsection (c),~~ If property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the ~~institute~~ **department** may not place the property on the list.

~~(g) Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.~~

~~(h)~~ **(g)** ~~This subsection only applies to a rental unit (as defined in IC 32-31-3-8).~~ The ~~institute~~ **department** may not list a ~~rental unit~~ **property** that has been used as the site of a methamphetamine laboratory on the web site until ~~the~~ **one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a methamphetamine laboratory.** ~~later of the following:~~

~~(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, if the owner or operator of the rental property has not provided documentation to the institute showing:~~

~~(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and~~

~~(B) that the owner or operator has begun the process of decontaminating the property.~~

~~(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.~~

~~However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site.~~

~~(i) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental property that:~~

~~(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and~~

~~(2) that the owner or operator has begun the process of decontaminating the property.~~

~~The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2), unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory.~~

SECTION 3. IC 10-11-2-31.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 31.1. (a) The superintendent shall adopt:**

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for receiving an approved certificate of cleanup from the department of environmental management that property used for the manufacture of methamphetamine or polluted by waste from the manufacture of methamphetamine has been certified as decontaminated by an inspector approved under IC 13-14-1-15.

(b) Guidelines adopted under this section must require that the department remove, in accordance with the time periods described in IC 5-2-6-19, the decontaminated property from any publicly available list of methamphetamine contaminated properties compiled or made available by the department.

SECTION 4. IC 13-14-1-15, AS ADDED BY P.L.192-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) The department shall maintain a list of persons certified to inspect and clean property that is polluted by a contaminant. The list may specifically note persons with particular expertise or experience in the inspection or cleanup of property contaminated by chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or by waste produced from the illegal manufacture of a controlled substance.

(b) The department may specify by rule that a person who meets certain qualifications prescribed by the department is a person certified to inspect and clean property that is polluted by a contaminant.

(c) The department shall specify by rule that any person:

(1) certified under this section to inspect and clean contaminated property; and

(2) who has decontaminated property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine;

shall notify the department when the person has decontaminated a property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine.

~~(c)~~ **(d)** The department shall adopt rules under IC 4-22-2:

(1) to implement this section; and

(2) concerning the inspection and remediation of contaminated property.

SECTION 5. IC 32-21-5-7, AS AMENDED BY P.L.159-2011, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The Indiana real estate commission established

by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) Disclosure by the owner of known:

(A) contamination caused by the manufacture of a controlled substance on the property that has not been certified as decontaminated by an inspector approved under IC 13-14-1-15; **or**

(B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property.

(3) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property.".

(4) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner.".

(5) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an

airport that does not serve commercial airlines in determining the distance to be disclosed.

SECTION 6. IC 35-50-5-3, AS AMENDED BY P.L.73-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

(1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);

(2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;

(3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;

(4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m), is a judgment lien that:

(1) attaches to the property of the person subject to the order;

(2) may be perfected;

(3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

(1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:

(A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and

(B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or

(2) a probation department that shall forward restitution or part of restitution to:

(A) a victim of a crime;

(B) a victim's estate; or

(C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

(1) The name and address of the person that is to receive the restitution.

(2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m), does not bar a civil action for:

(1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and

(2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or (m), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

(1) The gross income or value to the person of the victim's labor or services.

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:

(A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or

(B) IC 22-2-2 (Minimum Wage);

whichever is greater.

(l) The court shall order a person who:

(1) is convicted of dealing in methamphetamine under ~~IC 35-48-4-1.1(a)(1)(A);~~ **IC 35-48-4-1.1;** and

(2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars ($10,000) **or to pay actual damages to the property owner, including lost rent and the costs of decontamination by an inspector approved under IC 13-14-1-15.**

(m) The court shall order a person who:

(1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and

(2) manufactured the marijuana on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of two thousand dollars ($2,000).

ACTS 2014

Laws enacted by the

118th GENERAL ASSEMBLY

at the

SECOND REGULAR SESSION
(2014)

VOLUME IV

(P.L.181-2014 through P.L.225-2014,
P.L.226-2014(ts) through Index)

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

Office of Code Revision
Legislative Services Agency

P.L.181-2014
[H.1155. Approved March 26, 2014.]

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

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

SECTION 1. IC 3-8-1-5, AS AMENDED BY P.L.37-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:

(1) for which the person has been pardoned; or

(2) that has been:

(A) reversed;

(B) vacated;

(C) set aside; ~~or~~

(D) not entered because the trial court did not accept the person's guilty plea; **or**

(E) expunged under IC 35-38-9.

(c) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (c).

SECTION 2. IC 35-31.5-2-78, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1, **IC 35-38-9,** and IC 35-47-4-7, means an offense or the attempt to commit an offense that:

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a:

(A) current or former spouse, parent, or guardian of the defendant;

(B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

SECTION 3. IC 35-38-5-1 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 1. (a) Whenever:~~

~~(1) an individual is arrested but no criminal charges are filed against the individual; or~~

~~(2) all criminal charges filed against an individual are dropped because:~~

~~(A) of a mistaken identity;~~

~~(B) no offense was in fact committed; or~~

~~(C) there was an absence of probable cause;~~

~~the individual may petition the court for expungement of the records related to the arrest.~~

~~(b) A petition for expungement of records must be verified and filed in the court in which the charges were filed, or if no criminal charges were filed, in a court with criminal jurisdiction in the county where the arrest occurred. The petition must set forth:~~

~~(1) the date of the arrest;~~

~~(2) the charge;~~

~~(3) the law enforcement agency employing the arresting officer;~~

~~(4) any other known identifying information, such as the name of the arresting officer, case number, or court cause number;~~

~~(5) the date of the petitioner's birth; and~~

~~(6) the petitioner's Social Security number.~~

~~(c) A copy of the petition shall be served on the law enforcement agency and the state central repository for records.~~

~~(d) Upon receipt of a petition for expungement, the law enforcement agency shall notify the court of the name and address of each agency to which any records related to the arrest were forwarded. The clerk shall immediately send a copy of the petition to each of those agencies. Any agency desiring to oppose the expungement shall file a notice of opposition with the court setting forth reasons for resisting the expungement along with any sworn statements from individuals who represent the agency that explain the reasons for resisting the expungement within thirty (30) days after the petition is filed. A copy of the notice of opposition and copies of any sworn statements shall be~~

~~served on the petitioner in accordance with the Rules of Trial Procedure. The court shall:~~

~~(1) summarily grant the petition;~~

~~(2) set the matter for hearing; or~~

~~(3) summarily deny the petition, if the court determines that:~~

~~(A) the petition is insufficient; or~~

~~(B) based on information contained in sworn statements submitted by individuals who represent an agency, the petitioner is not entitled to an expungement of records.~~

~~(e) If a notice of opposition is filed and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.~~

~~(f) After a hearing is held under this section, the petition shall be granted unless the court finds:~~

~~(1) the conditions in subsection (a) have not been met;~~

~~(2) the individual has a record of arrests other than minor traffic offenses; or~~

~~(3) additional criminal charges are pending against the individual.~~

SECTION 4. IC 35-38-5-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 2. If the petition for expungement is granted, the law enforcement agency shall within thirty (30) days of receipt of the court order, deliver to the individual or destroy all fingerprints, photographs, or arrest records in their possession.~~

SECTION 5. IC 35-38-5-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3. Whenever the petition of an individual under section 1 of this chapter is granted, no information concerning the arrest may be placed or retained in any state central repository for criminal history information or in any other alphabetically arranged criminal history information system maintained by a local, regional, or statewide law enforcement agency. However, this chapter does not require any change or alteration in any record (such as a police blotter entry) made at the time of the arrest or in the record of any court in which the criminal charges were filed.~~

SECTION 6. IC 35-38-5-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. If a person whose records are expunged brings an action that might be defended with the contents of such records, the defendant is presumed to have a complete defense to such an action. In order for the plaintiff to recover, he must show that the contents of the~~

~~expunged records would not exonerate the defendant. The plaintiff may be required to state under oath whether he had records in the criminal justice system and whether those records were expunged. If the plaintiff denies the existence of the records, the defendant may prove their existence in any manner compatible with the law of evidence.~~

SECTION 7. IC 35-38-9-1, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~(a) This section applies only to a person who has been arrested if:~~

~~(1) the arrest did not result in a conviction or juvenile adjudication; or~~

~~(2) the arrest resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal.~~

~~(b) Not earlier than one (1) year after the date of arrest, if the person was not convicted or adjudicated a delinquent child, or the date of the opinion vacating the conviction or adjudication becomes final, the person may petition the sentencing court (if the person was sentenced), the court in which the person was charged (if the person was charged), or any court exercising criminal jurisdiction in Indiana (if the person was not charged or convicted) to seal records contained in:~~

~~(1) a court's files;~~

~~(2) the files of the department of correction;~~

~~(3) the files of the bureau of motor vehicles;~~

~~(4) the files of any other person who provided treatment or services to the petitioning person under a court order; and~~

~~(5) the central repository for criminal history information maintained by the state police department;~~

~~that relate to the person's arrest.~~

~~(c) A person who files a petition to seal arrest records is not required to pay a filing fee.~~

~~(d) If the court finds by clear and convincing evidence that:~~

~~(1) the person's arrest:~~

~~(A) did not result in a conviction or juvenile adjudication; or~~

~~(B) resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal; and~~

~~(2) no charges are pending against the person;~~

~~the court shall order the arrest records described in subsection (b) sealed so that only a criminal justice agency may access the records~~

~~without the order of a court.~~

(a) This section applies only to a person who has been arrested if:

(1) the arrest:

(A) did not result in a conviction or juvenile adjudication; or

(B) resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal; and

(2) the person is not currently participating in a pretrial diversion program.

(b) Not earlier than one (1) year after the date of arrest, if the person was not convicted or adjudicated a delinquent child, or the date of the opinion vacating the conviction or adjudication becomes final (unless the prosecuting attorney agrees in writing to an earlier time), the person may petition the court for expungement of the records related to the arrest.

(c) A petition for expungement of records must be verified and filed in the court in which the charges were filed, or if no criminal charges were filed, in a court with criminal jurisdiction in the county where the arrest occurred. The petition must set forth:

(1) the date of the arrest;

(2) the county in which the arrest occurred;

(3) the law enforcement agency employing the arresting officer, if known;

(4) any other known identifying information, such as the name of the arresting officer, case number, or court cause number;

(5) the date of the petitioner's birth; and

(6) the petitioner's Social Security number.

(d) The court shall serve a copy of the petition on the prosecuting attorney.

(e) Upon receipt of a petition for expungement, the court:

(1) may summarily deny the petition if the petition does not meet the requirements of this section, or if the statements contained in the petition indicate that the petitioner is not entitled to relief; and

(2) shall grant the petition unless:

(A) the conditions described in subsection (a) have not been met; or

(B) criminal charges are pending against the person.

(f) Whenever the petition of a person under this section is granted, no information concerning the arrest may be placed or retained in any state central repository for criminal history information or in any other alphabetically arranged criminal history information system maintained by a local, regional, or statewide law enforcement agency. However, this chapter does not require any change or alteration in:

(1) any internal record made by a law enforcement agency at the time of the arrest and not intended for release to the public;

(2) the record of any court in which the criminal charges were filed; or

(3) records that relate to a diversion or deferral program.

(g) If a person whose records are expunged brings an action that might be defended with the contents of the expunged records, the defendant is presumed to have a complete defense to the action. In order for the plaintiff to recover, the plaintiff must show that the contents of the expunged records would not exonerate the defendant. The plaintiff may be required to state under oath whether the plaintiff had records in the criminal justice system and whether those records were expunged. If the plaintiff denies the existence of the records, the defendant may prove their existence in any manner compatible with the law of evidence.

SECTION 8. IC 35-38-9-2, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies only to a person convicted of a misdemeanor, including a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014)** reduced to a misdemeanor.

(b) Not earlier than five (5) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the misdemeanor may petition ~~the sentencing~~ **a** court to expunge **all** conviction records, **including records** contained in:

(1) a court's files;

(2) the files of the department of correction;

(3) the files of the bureau of motor vehicles; and

(4) the files of any other person who provided treatment or

services to the petitioning person under a court order;

that relate to the person's misdemeanor conviction.

(c) A person who files a petition to expunge conviction records shall ~~pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.~~ **file the petition in a circuit or superior court in the county of conviction.**

(d) If the court finds by ~~clear and convincing~~ **a preponderance of the** evidence that:

(1) the period required by this section has elapsed;

(2) no charges are pending against the person;

~~(3) the person does not have an existing or pending driver's license suspension;~~

~~(4)~~ **(3)** the person has ~~successfully completed the person's sentence, including any term of supervised release,~~ **paid all fines, fees, and court costs,** and satisfied ~~all other obligations~~ **any restitution obligation** placed on the person as part of the sentence; and

~~(5)~~ **(4)** the person has not been convicted of a crime within the previous five (5) years **(or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (b));**

the court shall order the conviction records described in subsection (b) expunged in accordance with section 6 of this chapter.

SECTION 9. IC 35-38-9-3, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), this section applies only to a person convicted of a Class D felony **(for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014).** This section does not apply to a person if the person's Class D felony **or Level 6 felony** was reduced to a Class A misdemeanor.

(b) This section does not apply to the following:

(1) An elected official convicted of an offense while serving the official's term or as a candidate for public office.

(2) A sex or violent offender (as defined in IC 11-8-8-5).

(3) A person convicted of a felony that resulted in bodily injury to

another person.

(4) A person convicted of perjury (IC 35-44.1-2-1) or official misconduct (IC 35-44.1-1-1).

(5) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than eight (8) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the Class D felony **or Level 6 felony** may petition ~~the sentencing~~ **a** court to expunge **all** conviction records, **including records** contained in:

(1) a court's files;

(2) the files of the department of correction;

(3) the files of the bureau of motor vehicles; and

(4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's Class D **or Level 6** felony conviction.

(d) A person who files a petition to expunge conviction records shall ~~pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.~~ **file the petition in a circuit or superior court in the county of conviction.**

(e) If the court finds by ~~clear and convincing~~ **a preponderance of the** evidence that:

(1) the period required by this section has elapsed;

(2) no charges are pending against the person;

~~(3) the person does not have an existing or pending driver's license suspension;~~

~~(4)~~ **(3)** the person has ~~successfully completed the person's sentence, including any term of supervised release,~~ **paid all fines, fees, and court costs,** and satisfied ~~all other obligations~~ **any restitution obligation** placed on the person as part of the sentence; and

~~(5)~~ **(4)** the person has not been convicted of a crime within the previous eight (8) years **(or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has**

consented to a shorter period under subsection (c));
the court shall order the conviction records described in subsection (c) expunged in accordance with section 6 of this chapter.

SECTION 10. IC 35-38-9-4, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b), this section applies only to a person convicted of a felony **who may not seek expungement of that felony under section 3 of this chapter.**

(b) This section does not apply to the following:

(1) An elected official convicted of an offense while serving the official's term or as a candidate for public office.

(2) A sex or violent offender (as defined in IC 11-8-8-5).

(3) A person convicted of a felony that resulted in serious bodily injury to another person.

(4) A person convicted of official misconduct (IC 35-44.1-1-1).

(5) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than **the later of** eight (8) years ~~after~~ **from the date of conviction, or three (3) years from** the completion of the person's sentence, ~~(including the completion of any term of supervised release and the satisfaction of all other obligations placed on the person as part of the sentence,~~ unless the prosecuting attorney consents in writing to an earlier period, the person convicted of the felony may petition ~~the sentencing~~ **a** court to expunge **all** conviction records, **including records** contained in:

(1) a court's files;

(2) the files of the department of correction;

(3) the files of the bureau of motor vehicles; and

(4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall ~~pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.~~ **file the petition in a**

circuit or superior court in the county of conviction.

(e) If the court finds by ~~clear and convincing~~ **a preponderance of the** evidence that:

(1) the period required by this section has elapsed;

(2) no charges are pending against the person;

~~(3) the person does not have an existing or pending driver's license suspension;~~

~~(4)~~ **(3)** the person has ~~successfully completed the person's sentence, including any term of supervised release,~~ **paid all fines, fees, and court costs,** and satisfied ~~all other obligations~~ **any restitution obligation** placed on the person as part of the sentence; and

~~(5)~~ **(4)** the person has not been convicted of a crime within the previous eight (8) years **(or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (c));**

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

SECTION 11. IC 35-38-9-5, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), this section applies to a person convicted of a felony, including:

(1) an elected official convicted of an offense while serving the official's term or as a candidate for public office; and

(2) a person convicted of a felony that resulted in serious bodily injury to another person.

(b) This section does not apply to the following:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of official misconduct (IC 35-44.1-1-1).

(3) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than **the later of** ten (10) years ~~after~~ **from the date of conviction, or five (5) years from** the completion of the person's

sentence, ~~(including the completion of any term of supervised release and the satisfaction of all other obligations placed on the person as part of the sentence,~~ unless the prosecuting attorney consents in writing to an earlier period, the person convicted of the felony may petition ~~the sentencing~~ **a** court to expunge **all** conviction records, **including records** contained in:

(1) a court's files;

(2) the files of the department of correction;

(3) the files of the bureau of motor vehicles; and

(4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall ~~pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.~~ **file the petition in a circuit or superior court in the county of conviction.**

(e) If the court finds by ~~clear and convincing~~ **a preponderance of the** evidence that:

(1) the period required by this section has elapsed;

(2) no charges are pending against the person;

~~(3) the person does not have an existing or pending driver's license suspension;~~

~~(4)~~ **(3)** the person has ~~successfully completed the person's sentence, including any term of supervised release,~~ **paid all fines, fees, and court costs,** and satisfied ~~all other obligations~~ **any restitution obligation** placed on the person as part of the sentence;

~~(5)~~ **(4)** the person has not been convicted of a crime within the previous ten (10) years **(or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period under subsection (c));** and

~~(6)~~ **(5)** the prosecuting attorney has consented in writing to the expungement of the person's criminal records;

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under

this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

SECTION 12. IC 35-38-9-6, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If the court orders conviction records expunged under sections 2 through 3 of this chapter, the court shall do the following with respect to the specific records expunged by the court:

(1) Order:

(A) the department of correction;

(B) the bureau of motor vehicles; and

(C) each:

(i) law enforcement agency; and

(ii) other person;

who incarcerated, provided treatment for, or provided other services for the person under an order of the court;

to prohibit the release of the person's records or information in the person's records to anyone without a court order, other than a law enforcement officer acting in the course of the officer's official duty.

(2) Order the central repository for criminal history information maintained by the state police department to seal the person's expunged conviction records. Records sealed under this subdivision may be disclosed only to:

(A) a prosecuting attorney, if:

(i) authorized by a court order; and

(ii) needed to carry out the official duties of the prosecuting attorney;

(B) a defense attorney, if:

(i) authorized by a court order; and

(ii) needed to carry out the professional duties of the defense attorney;

(C) a probation department, if:

(i) authorized by a court order; and

(ii) necessary to prepare a presentence report; ~~and~~

~~(B)~~ **(D)** the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an agreement relating to the sharing of criminal

history information;

(E) the:

(i) supreme court;

(ii) members of the state board of law examiners;

(iii) executive director of the state board of law examiners; and

(iv) employees of the state board of law examiners, in accordance with rules adopted by the state board of law examiners;

for the purpose of determining whether an applicant possesses the necessary good moral character for admission to the bar; and

(F) a person required to access expunged records to comply with the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted under the Secure and Fair Enforcement for Mortgage Licensing Act.

(3) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction.

A probation department may provide an unredacted version of a presentence report disclosed under subdivision (2)(C) to any person authorized by law to receive a presentence report.

(b) Except as provided in subsection (c), if a petition to expunge conviction records is granted under sections 2 through 3 of this chapter, the records of:

(1) the sentencing court;

(2) a juvenile court;

(3) a court of appeals; and

(4) the supreme court;

concerning the person shall be permanently sealed. **However, a petition for expungement granted under sections 2 through 3 of this chapter does not affect an existing or pending driver's license suspension.**

(c) If a petition to expunge conviction records is granted under sections 2 through 3 of this chapter with respect to the records of a person who is named **as an appellant or an appellee** in an opinion or memorandum decision by the supreme court or the court of appeals, the court shall:

(1) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the petitioner's name (in the same manner that opinions involving juveniles are redacted); and

(2) provide a redacted copy of the opinion to any publisher or organization to whom the opinion or memorandum decision is provided after the date of the order of expungement.

The supreme court and court of appeals are not required to destroy or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the petitioner's name.

(d) Notwithstanding subsection (b), a prosecuting attorney may submit a written application to a court that granted an expungement petition under this chapter to gain access to any records that were permanently sealed under subsection (b), if the records are relevant in a new prosecution of the person. If a prosecuting attorney who submits a written application under this subsection shows that the records are relevant for a new prosecution of the person, the court that granted the expungement petition shall:

(1) order the records to be unsealed; and

(2) allow the prosecuting attorney who submitted the written application to have access to the records.

If a court orders records to be unsealed under this subsection, the court shall order the records to be permanently resealed at the earliest possible time after the reasons for unsealing the records cease to exist. However, if the records are admitted as evidence against the person in a new prosecution that results in the person's conviction, or are used to enhance a sentence imposed on the person in a new prosecution, the court is not required to reseal the records.

(e) If a person whose conviction records are expunged under ~~section~~ **sections** ~~5~~ **2 through 5** of this chapter is required to register as a sex offender based on the commission of a felony which has been expunged:

(1) the expungement does not affect the operation of the sex offender registry web site, any person's ability to access the person's records, records required to be maintained concerning sex or violent offenders, or any registration requirement imposed on the person; and

(2) the expunged conviction must be clearly marked as expunged

on the sex offender registry web site.

(f) Expungement of a crime of domestic violence under section 2 of this chapter does not restore a person's right to possess a firearm. The right of a person convicted of a crime of domestic violence to possess a firearm may be restored only in accordance with IC 35-47-4-7.

SECTION 13. IC 35-38-9-7, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies only to a person who has filed a petition for expungement under section 4 or 5 of this chapter and whose records have been ordered marked as expunged.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged. **A petition for expungement granted under sections 4 through 5 of this chapter does not affect an existing or pending driver's license suspension.**

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged.

SECTION 14. IC 35-38-9-8, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies only to a petition to expunge conviction records under sections 2 through 5 of this chapter. This section does not apply to a petition to ~~seal~~ **expunge** arrest records under section 1 of this chapter.

(b) Any person may seek an expungement under sections 2 through 5 of this chapter by filing a verified petition for expungement. The petition must include the following:

(1) The petitioner's full name and all other legal names or aliases by which the petitioner is or has been known.

(2) The petitioner's date of birth.

(3) The petitioner's addresses from the date of the offense to the date of the petition.

(4) **A certified copy of petitioner's records from the bureau of**

motor vehicles.

(5) The petitioner shall affirm that no criminal investigation or charges are pending against the petitioner.

~~(5)~~ **(6)** The petitioner shall affirm that the petitioner has not committed another crime within the period required for expungement.

~~(6)~~ **(7)** The petitioner shall list all convictions and the date of the conviction, **and any appeals from the conviction and the date any appellate opinion was handed down, if applicable.**

~~(7)~~ **(8)** The petitioner shall affirm that the required period has elapsed or attach a copy of the prosecuting attorney's written consent to a shorter period.

~~(8)~~ **(9)** The petitioner shall describe any other petitions that the petitioner has filed under this chapter.

~~(9)~~ **(10)** For a petition filed under section 5 of this chapter, the petitioner shall attach a copy of the prosecuting attorney's written consent.

~~(10)~~ **(11)** The petitioner shall provide evidence that the petitioner has ~~successfully completed all terms of the sentence previously~~ **paid all fines, fees, and court costs, and satisfied any restitution obligation imposed on the person as part of the sentence.** ~~imposed, including:~~

~~(A) payment of restitution, fines, and court costs; and~~

~~(B) completion of any terms of probation, parole, or community corrections.~~

(c) The petitioner may include any other information that the petitioner believes may assist the court.

(d) The petitioner shall serve a copy of the petition upon the prosecuting attorney in accordance with the Indiana Rules of Trial Procedure.

(e) The prosecuting attorney shall ~~promptly forward a copy of the petition to the last known address of the victim. and inform the victim of the victim's right to be present and address the court.~~ **inform the victim of the victim's rights under IC 35-40-6 by contacting the victim at the victim's last known address.**

(f) The prosecuting attorney shall reply to the petition not later than thirty (30) days after receipt.

SECTION 15. IC 35-38-9-9, AS ADDED BY P.L.159-2013,

SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If the prosecuting attorney does not object, the court may grant the petition for expungement without a hearing.

(b) The court may summarily deny a petition, if the petition does not meet the requirements of section 8 of this chapter, or if the statements contained in the petition demonstrate that the petitioner is not entitled to relief.

(c) If the prosecuting attorney objects to the petition, the court shall set the matter for hearing not sooner than sixty (60) days after service of the petition on the prosecuting attorney.

(d) A victim of the offense for which expungement is sought may submit an oral or written statement in support of or in opposition to the petition at the time of the hearing. ~~The court shall consider the victim's statement before making its determination.~~

~~(e)~~ The petitioner must prove by ~~clear and convincing~~ **a preponderance of the** evidence that the facts alleged in the verified petition are true.

~~(f)~~ **(e)** The **grant or** denial of a petition is an appealable final order.

~~(g)~~ **(f)** If the court grants the petition for expungement, the court shall issue an order of expungement as described in ~~section~~ **sections** 6 **and 7** of this chapter.

~~(h)~~ **(g)** This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to ~~seal~~ **expunge** arrest records under section 1 of this chapter. A petitioner may seek to expunge more than one (1) conviction at the same time. The petitioner shall consolidate all convictions that the petitioner wishes to expunge from the same county in one (1) petition. A petitioner who wishes to expunge convictions from separate counties must file a petition in each county in which a conviction was entered.

~~(i)~~ **(h)** This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to ~~seal~~ **expunge** arrest records under section 1 of this chapter. Except as provided in ~~subsection (j)~~ **subsections (i) and (j),** a petitioner may file ~~only one (1)~~ **a** petition for expungement **only one (1) time** during the petitioner's lifetime. For purposes of this subsection, all petitions for expungement filed in

separate counties for offenses committed in those counties count as one (1) petition if they are filed in one (1) three hundred sixty-five (365) day period.

~~(j)~~ **(i)** A petitioner whose petition for expungement has been denied, ~~on the merits,~~ in whole or in part, may file a subsequent petition for expungement with respect to one (1) or more convictions included in the initial expungement petition that were not expunged. **However, if the petition was denied due to the court's exercise of its discretion under section 4 or 5 of this chapter,** a subsequent petition for expungement may be filed ~~not earlier than~~ **only after the elapse of** three (3) years ~~following~~ **from the date on which** the ~~denial of a~~ previous expungement petition **was denied. Except as provided in subsection (j),** a subsequent petition for expungement may not include any conviction that was not included in the initial expungement petition.

(j) A court may permit a petitioner to file a subsequent petition for expungement with respect to one (1) or more convictions that were not included in the initial expungement petition only if the court finds that:

(1) the petitioner intended in good faith to comply with subsections (g) and (h);

(2) the petitioner's failure to comply with subsections (g) and (h) was due to:

(A) excusable neglect; or

(B) circumstances beyond the petitioner's control; and

(3) permitting the petitioner to file a subsequent petition for expungement is in the best interests of justice.

SECTION 16. IC 35-38-9-10, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **This section does not apply to a person to whom sealed records may be disclosed under section 6(a)(2) of this chapter.**

(b) It is unlawful discrimination for any person to:

(1) suspend;

(2) expel;

(3) refuse to employ;

(4) refuse to admit;

(5) refuse to grant or renew a license, permit, or certificate

necessary to engage in any activity, occupation, or profession; or

(6) otherwise discriminate against;

any person because of a conviction or arrest record expunged or sealed under this chapter.

~~(b)~~ **(c)** The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote, to hold public office, **and** to serve as a juror. ~~and, to the extent not prohibited by federal law, to own or possess a firearm.~~

~~(c)~~ **(d)** In any application for employment, a license, or other right or privilege, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests, such as: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?".

~~(d)~~ **(e)** A person whose record is expunged shall be treated as if the person had never been convicted of the offense. However, upon a subsequent arrest or conviction for an unrelated offense, the prior expunged conviction:

(1) may be considered by the court in determining the sentence imposed for the new offense;

(2) is a prior unrelated conviction for purposes of:

(A) a habitual offender enhancement; and

(B) enhancing the new offense based on a prior conviction; and

(3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

~~(e)~~ **(f)** Any person that discriminates against a person as described in subsection ~~(a)~~ **(b)** commits a Class C infraction and may be held in contempt by the court issuing the order of expungement or by any other court of general jurisdiction. Any person may file a written motion of contempt to bring an alleged violation of this section to the attention of a court. In addition, the person is entitled to injunctive relief.

~~(f)~~ **(g)** In any judicial or administrative proceeding alleging negligence or other fault, an order of expungement may be introduced as evidence of the person's exercise of due care in hiring, retaining, licensing, certifying, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the order of expungement was issued.

~~(g)~~ **(h)** A conviction that has been expunged under this chapter is

not admissible as evidence in an action for negligent hiring, admission, or licensure against a person or entity who relied on the order.

(i) A petition for expungement and an order for expungement are confidential.

SECTION 17. IC 35-38-9-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) A person may not waive the right to expungement under this chapter as part of a plea agreement. Any purported waiver of the right to expungement in a plea agreement is invalid and unenforceable as against public policy.**

(b) This section does not prohibit the finding of a waiver of the right to expungement based on a failure to comply with the provisions of this chapter.

SECTION 18. IC 35-47-4-7, AS ADDED BY P.L.118-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Notwithstanding IC 35-47-2, IC 35-47-2.5, the restoration of the right to serve on a jury under IC 33-28-5-18, ~~or~~ the restoration of the right to vote under IC 3-7-13-5, **or the expungement of a crime of domestic violence under IC 35-38-9,** and except as provided in subsections (b), (c), and (f), a person who has been convicted of a crime of domestic violence may not possess a firearm. ~~after the person's release from imprisonment or lawful detention.~~

(b) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting

class, if applicable.

(4) Whether the person still presents a threat to the victim of the crime.

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to satisfy a specified condition under subsection (c) or whether the person has committed a subsequent offense.

(c) The court may condition the restoration of a person's right to possess a firearm upon the person's satisfaction of specified conditions.

(d) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed after the filing of the most recent petition.

(e) A person has not been convicted of a crime of domestic violence for purposes of subsection (a) ~~if the conviction has been expunged or~~ if the person has been pardoned.

(f) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

SECTION 19. **An emergency is declared for this act.**

P.L.182-2014
[H.1199. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-41-27-16, AS AMENDED BY P.L.87-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a) This section does not apply to feral cats that are caught and released as part of a spay and neuter program designed to reduce the number of feral cats in the area.**

(b) Domestic animals and house pets may not be permitted to run at large or commit a nuisance within the limits of a mobile home community.

P.L.183-2014
[H.1266. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 5-3-1-2, AS AMENDED BY P.L.141-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) If any officer charged with the duty of publishing any notice required by law is unable to procure advertisement:

(1) at the price fixed by law;

(2) because the newspaper refuses to publish the advertisement; or

(3) because the newspaper refuses to post the advertisement on the newspaper's Internet web site (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter. **This subsection expires January 1, 2015.**

(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing. **This subsection expires January 1, 2015.**

SECTION 2. IC 5-3-1-2.3, AS AMENDED BY P.L.169-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.3. (a) A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

(1) a reasonable person would not be misled by the error or omission; and

(2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

(b) This subsection applies if:

(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;

(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and

(3) the county auditor is responsible for the error or omission

described in subdivision (2).

Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision. **This subsection expires January 1, 2015.**

SECTION 3. IC 6-1.1-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. **(a)** Each year a public utility company shall file a statement concerning the value and description of the property which is either owned or used by the company on the assessment date of that year. The company shall file this statement with the department of local government finance ~~on the form~~ **in the manner** prescribed by the department. ~~The department of local government finance may extend the due date for a statement. Unless the department of local government finance grants an extension,~~ A public utility company shall file its statement for a year:

(1) on or before March 1st of that year unless the company is a railroad car company; or

(2) on or before ~~May~~ **July** 1st of that year if the company is a railroad car company.

(b) A public utility company may, not later than sixty (60) days after filing a valid and timely statement under subsection (a), file an amended statement:

(1) for distribution purposes;

(2) to correct errors; or

(3) for any other reason, except:

(A) obsolescence; or

(B) the credit for railroad car maintenance and improvements provided under IC 6-1.1-8.2.

SECTION 4. IC 6-1.1-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) If a public utility company does not file a statement with the department of local government finance on or before the date prescribed under section 19 of this chapter, the company shall pay a penalty of one hundred dollars ($100) per day for each day that the statement is late. **However, a penalty under this subsection may not exceed one thousand dollars ($1,000).**

(b) The department of local government finance shall notify the attorney general if a public utility company fails to file a statement on or before the due date. The attorney general shall then bring an action in the name of this state to collect the penalty due under this section.

(c) The state auditor shall deposit amounts collected under this section in the state treasury for credit to the state general fund.

SECTION 5. IC 6-1.1-8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. **(a)** The department of local government finance shall assess the property of a public utility company based upon the information available to the department if the company:

(1) does not file a statement which is required under section 19 of this chapter;

(2) does not permit the department to examine the company's property, books, or records; or

(3) does not comply with a summons issued by the department.

~~An assessment which is made by the department of local government finance under this section is final unless the company establishes that the department committed actual fraud in making the assessment.~~

(b) A public utility company may provide the department with a statement under section 19 of this chapter not later than one (1) year after the department makes the department's assessment under this section. If a public utility company does so, the department may amend the assessment it makes under this section in reliance on the public utility company's statement filed under this subsection.

SECTION 6. IC 6-1.1-11-4, AS AMENDED BY P.L.173-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21;

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16;

(C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16; or

(D) other tangible property owned by a fraternity or sorority (as defined in IC 6-1.1-10-24).

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21, an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16, or use by a fraternity or sorority under IC 6-1.1-10-24; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24.

~~A change in ownership of property does not terminate an exemption of the property if after the change in ownership the property continues to meet the requirements for an exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24. However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance. If the county assessor discovers that title to property granted an exemption described in IC 6-1.1-10-16, IC 6-1.1-10-21, or IC 6-1.1-10-24 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the~~

~~property of the change in title and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners of the property and indicates that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24. Upon receipt of the affidavit, the county assessor shall reinstate the exemption for the years for which the exemption was suspended and each year thereafter that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24.~~

(e) If, after an assessment date, an exempt property is transferred or its use is changed resulting in its ineligibility for an exemption under IC 6-1.1-10, the county assessor shall terminate the exemption for that assessment date. However, if the property remains eligible for an exemption under IC 6-1.1-10 following the transfer or change in use, the exemption shall be left in place for that assessment date. For the following assessment date, the person that obtained the exemption or the current owner of the property, as applicable, shall, under section 3 of this chapter and except as provided in this section, file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. In all cases, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in ownership or use in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance.

(f) If the county assessor discovers that title to or use of property granted an exemption under IC 6-1.1-10 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title or use and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners or use of the property and indicates whether the property continues to meet the requirements for an exemption under IC 6-1.1-10. Upon receipt of the affidavit, the county assessor shall reinstate the exemption under IC 6-1.1-15-12. However, a claim under IC 6-1.1-26-1 for a refund of all or a part of a tax installment

paid and any correction of error under IC 6-1.1-15-12 must be filed not later than three (3) years after the taxes are first due.

SECTION 7. IC 6-1.1-12-10.1, AS AMENDED BY P.L.144-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. With respect to real property, the statement must be ~~filed during the year for which the individual wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the individual wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

(1) the source and exact amount of gross income received by the individual and the individual's spouse during the preceding calendar year;

(2) the description and assessed value of the real property, mobile home, or manufactured home;

(3) the individual's full name and complete residence address;

(4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and

(5) any additional information which the department of local

government finance may require.

(c) In order to substantiate the deduction statement, the applicant shall submit for inspection by the county auditor a copy of the applicant's and a copy of the applicant's spouse's income tax returns for the preceding calendar year. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 8. IC 6-1.1-12-12, AS AMENDED BY P.L.1-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be ~~filed during the year for which the individual wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

(1) the records of the division of family resources or the division of disability and rehabilitative services; or

(2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or

manufactured home.

SECTION 9. IC 6-1.1-12-15, AS AMENDED BY P.L.293-2013(ts), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 13 or 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be ~~filed during the year for which the individual wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the individual wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

(1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;

(2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or

(3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section. If a deceased veteran's surviving spouse is claiming the deduction, the surviving spouse shall provide the documentation necessary to establish that at the time of death the deceased veteran satisfied the requirements of section 13(a)(1) through 13(a)(4) of this chapter or

section 14(a)(1) through 14(a)(4) of this chapter, whichever applies.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 10. IC 6-1.1-12-17, AS AMENDED BY P.L.144-2008, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be ~~filed during the year for which the surviving spouse wishes to obtain the deduction.~~ **completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

(1) a sworn statement that the surviving spouse is entitled to the deduction; and

(2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 11. IC 6-1.1-12-17.5, AS AMENDED BY P.L.144-2008,

SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must ~~file the statement during the year for which the veteran wishes to obtain the deduction.~~ **complete and date the statement in the calendar year for which the veteran wishes to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

(1) a description and the assessed value of the real property, mobile home, or manufactured home;

(2) the veteran's full name and complete residence address;

(3) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and

(4) any additional information which the department of local government finance may require.

SECTION 12. IC 6-1.1-12-27.1, AS AMENDED BY P.L.137-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person

who desires to claim the deduction provided by section 26 or 26.1 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, manufactured home, or solar power device is subject to assessment. With respect to real property or a solar power device that is assessed as distributable property under IC 6-1.1-8 or as personal property, the person must ~~file the statement during the year for which the person desires to obtain the deduction.~~ **complete and date the certified statement in the calendar year for which the person wishes to obtain the deduction and file the certified statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, with respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home or own the solar power device;

(2) be buying the real property, mobile home, manufactured home, or solar power device under contract; or

(3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, mobile home, manufactured home, or solar power device is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 13. IC 6-1.1-12-30, AS AMENDED BY P.L.1-2009, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the

department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must ~~file the statement during the year for which the person desires to obtain the deduction.~~ **complete and date the statement in the calendar year for which the person desires to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The person must:

(1) own the real property, mobile home, or manufactured home; or

(2) be buying the real property, mobile home, or manufactured home under contract;

on the date the statement is filed under this section. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 14. IC 6-1.1-12-35.5, AS AMENDED BY P.L.1-2009, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35.5. (a) Except as provided in section 36 or 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must ~~file the statement during the year for which the person wishes to obtain the deduction. The person must file the statement in each year for which the person desires to obtain the deduction.~~ **complete and date the certified statement in the calendar year for which the person wishes to obtain the deduction and file the certified statement with the county auditor on or before January 5 of the immediately succeeding calendar year.** With respect to a property

which is assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification, the department shall determine whether the system or device qualifies for a deduction. If the department fails to make a determination under this subsection before December 31 of the year in which the application is received, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) during the year in which the personal property return is filed.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology

research established by IC 21-47-4-1, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter:

(1) the center shall determine whether the building qualifies for a deduction; and

(2) if the center fails to make a determination before December 31 of the year in which the application is received, the building is considered certified.

SECTION 15. IC 6-1.1-12-38, AS AMENDED BY P.L.1-2009, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

(1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52; minus

(2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52. Subject to section 45 of this chapter, the statement ~~and certification must be filed during~~

~~the year preceding the year the deduction will first be applied.~~ **must be completed and dated in the calendar year for which the person wishes to obtain the deduction, and the statement and certification must be filed with the county auditor on or before January 5 of the immediately succeeding calendar year.** Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(c) The deduction provided by this section applies only if the person:

(1) owns the property; or

(2) is buying the property under contract;

on the assessment date for which the deduction applies.

SECTION 16. IC 6-1.1-12-45, AS ADDED BY P.L.144-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) Subject to subsections (b) and (c), a deduction under this chapter applies for an assessment date and for the property taxes due and payable based on the assessment for that assessment date, regardless of whether with respect to the real property or mobile home or manufactured home not assessed as real property:

(1) the title is conveyed one (1) or more times; or

(2) one (1) or more contracts to purchase are entered into;

after that assessment date and on or before the next succeeding assessment date.

(b) Subsection (a) applies

~~(1) only if the title holder or the contract buyer on that next succeeding assessment date is eligible for the deduction for that next succeeding assessment date; and~~

~~(2)~~ regardless of whether:

~~(A)~~ **(1)** one (1) or more grantees of title under subsection (a)(1); or

~~(B)~~ **(2)** one (1) or more contract purchasers under subsection (a)(2);

~~files~~ **file** a statement under this chapter to claim the deduction.

(c) A deduction applies under subsection (a) for only one (1) year. The requirements of this chapter for filing a statement to apply for a deduction under this chapter apply to subsequent years.

(d) If:

(1) a statement is filed under this chapter ~~in~~ **on or before January 5 of** a calendar year to claim a deduction under this chapter with respect to real property; and

(2) the eligibility criteria for the deduction are met;

the deduction applies for the assessment date in ~~that~~ **the preceding** calendar year and for the property taxes due and payable based on the assessment for that assessment date.

(e) If:

(1) a statement is filed under this chapter in a twelve (12) month filing period designated under this chapter to claim a deduction under this chapter with respect to a mobile home or a manufactured home not assessed as real property; and

(2) the eligibility criteria for the deduction are met;

the deduction applies for the assessment date in that twelve (12) month period and for the property taxes due and payable based on the assessment for that assessment date.

SECTION 17. IC 6-1.1-12.6-3, AS ADDED BY P.L.70-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A property owner that qualifies for the deduction under this chapter **and that desires to receive the deduction** must ~~file a statement containing the information required by subsection (b) with the county auditor to claim the deduction for each assessment date for which the property owner wishes to receive the deduction~~ **complete and date a statement containing the information required by subsection (b) in the calendar year for which the person desires to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year,** in the manner prescribed in rules adopted under section 9 of this chapter. The township assessor shall verify each statement filed under this section, and the county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

(1) The assessed value of the real property for which the person is claiming the deduction.

(2) The full name and complete business address of the person claiming the deduction.

(3) The complete address and a brief description of the real property for which the person is claiming the deduction.

(4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.

(5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.

SECTION 18. IC 6-1.1-12.8-4, AS ADDED BY P.L.175-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A property owner that qualifies for the deduction under this chapter **and that desires to receive the deduction** must ~~file a statement containing the information required by subsection (b) with the county auditor to claim the deduction for each assessment date for which the property owner wishes to receive the deduction~~ **complete and date a statement containing the information required by subsection (b) in the calendar year for which the person desires to obtain the deduction and file the statement with the county auditor on or before January 5 of the immediately succeeding calendar year,** in the manner prescribed in rules adopted under section 8 of this chapter. The township assessor, or the county assessor if there is no township assessor for the township, shall verify each statement filed under this section, and the county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

(1) The assessed value of the real property for which the person is claiming the deduction.

(2) The full name and complete business address of the person claiming the deduction.

(3) The complete address and a brief description of the real

property for which the person is claiming the deduction.

(4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.

(5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.

(6) An affirmation by the owner that the owner is receiving not more than three (3) deductions under this chapter, including the deduction being applied for by the owner, either:

(A) as the owner of the residence in inventory; or

(B) as an owner that is part of an affiliated group.

(7) An affirmation that the real property has not been leased and will not be leased for any purpose during the term of the deduction.

SECTION 19. IC 6-1.1-15-12, AS AMENDED BY P.L.172-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Subject to the limitations contained in subsections (c), ~~and~~ (d), **and (i),** a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

(1) The description of the real property was in error.

(2) The assessment was against the wrong person.

(3) Taxes on the same property were charged more than one (1) time in the same year.

(4) There was a mathematical error in computing the taxes or penalties on the taxes.

(5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.

(6) The taxes, as a matter of law, were illegal.

(7) There was a mathematical error in computing an assessment.

(8) Through an error of omission by any state or county officer, the taxpayer was not given:

(A) the proper credit under IC 6-1.1-20.6-7.5 for property taxes imposed for an assessment date after January 15, 2011;

(B) any other credit permitted by law;

(C) an exemption permitted by law; or

(D) a deduction permitted by law.

(b) **Subject to subsection (i),** the county auditor shall correct an

error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

(1) The township assessor (if any).

(2) The county auditor.

(3) The county assessor.

If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter to the county board for determination. The county board shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county board to the Indiana board for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor (if any).

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

(h) A taxpayer that files a statement under IC 6-1.1-8-19 may not

petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28 or an appeal under IC 6-1.1-8-30.

(i) A taxpayer is not entitled to relief under this section unless the taxpayer files a petition to correct an error:

(1) with the auditor of the county in which the taxes were originally paid; and

(2) within three (3) years after the taxes were first due.

SECTION 20. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall **(before January 1, 2015) at least ten (10) days before the public hearing,** give notice ~~by publication~~ to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. The political subdivision or appropriate fiscal body shall **(before January 1, 2015)** publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice. **The political subdivision shall submit this information to the department's computer gateway before September 14 of each year and at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. The department shall make this information available to taxpayers, at**

least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

(b) For taxes due and payable in 2015 and 2016, each county shall publish a notice in accordance with IC 5-3-1 in two (2) newspapers published in the county stating the Internet address at which the information under subsection (a) is available and the telephone number through which taxpayers may request copies of a political subdivision's information under subsection (a). If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. The department of local government finance shall prescribe the notice. Notice under this subsection shall be published before September 14. Counties may seek reimbursement from the political subdivisions within their legal boundaries for the cost of the notice required under this subsection. The actions under this subsection shall be completed in the manner prescribed by the department.

~~(b)~~ **(c)** The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c)~~ **(d)** The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(e) A political subdivision for which any of the information under subsection (a) is not (before January 1, 2015) published and is not submitted to the department's computer gateway in the

manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(f) If a political subdivision or appropriate fiscal body timely publishes (before January 1, 2015) and timely submits the information under subsection (a) but subsequently discovers the information contains a typographical error, the political subdivision or appropriate fiscal body may request permission from the department to submit amended information to the department's computer gateway and (before January 1, 2015) to publish the amended information. However, such a request must occur not later than seven (7) days before the public hearing held under subsection (a). Acknowledgment of the correction of an error shall be posted on the department's computer gateway and communicated by the political subdivision or appropriate fiscal body to the fiscal body of the county in which the political subdivision and appropriate fiscal body are located.

SECTION 21. IC 6-1.1-17-16, AS AMENDED BY P.L.218-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which

exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) **(before its expiration)** applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b) **(before its expiration).** The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the

first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15 of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance ~~may~~ **shall, unless the department finds extenuating circumstances,** increase a political subdivision's tax levy to an amount that exceeds the amount originally ~~fixed~~ **advertised or adopted** by the political subdivision if:

(1) the increase is ~~(1)~~ requested in writing by the officers of the political subdivision;

(2) ~~either:~~ **the requested increase is published on the department's advertising Internet web site and (before January 1, 2015) is published by the political subdivision according to a notice provided by the department; and**

~~(A) based on information first obtained by the political~~

~~subdivision after the public hearing under section 3 of this chapter; or~~

~~(B) results from an inadvertent mathematical error made in determining the levy; and~~

(3) ~~published by the political subdivision according to a notice provided by the department.~~ **notice is given to the county fiscal body of the error and the department's correction.**

If the department increases a levy beyond what was advertised or adopted under this subsection, it shall, unless the department finds extenuating circumstances, reduce the certified levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars ($100,000).

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

SECTION 22. IC 6-1.1-18-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) As used in this section, "qualified taxing unit" refers to the following taxing units:**

(1) DeKalb County.

(2) The town of Middlebury in Elkhart County.

(3) The town of Lewisville in Henry County.

(4) The town of Mooreland in Henry County.

(b) Before July 1, 2014, the department shall calculate and certify to the fiscal body of a qualified taxing unit the result of:

(1) the amount of the property tax levy that could have been imposed for property taxes first due and payable in 2014, if the budgets and levies of the qualified taxing unit had been properly advertised; minus

(2) the amount of the property tax levy approved by the department under IC 6-1.1-17 for property taxes first due and payable in calendar year 2014, after reducing the qualified taxing unit's budget and property tax levy because the

qualified taxing unit's budget and property tax levy information were not properly advertised.

(c) After receiving the certifications required under subsection (b), the fiscal body of a qualified taxing unit may adopt an ordinance authorizing the qualified taxing unit to borrow money to replace part or all of the amount certified under subsection (b).

(d) If a qualified taxing unit receives a loan under this section, the fiscal officer of the qualified taxing unit shall deposit the loan in each fund affected by the reduction of the qualified taxing unit's budget and property tax levy. The amount deposited may be used for any of the lawful purposes of that fund.

(e) If a qualified taxing unit borrows money under subsection (c), the qualified taxing unit shall impose a property tax levy in calendar year 2015 for the qualified taxing unit's debt service fund to repay the total amount borrowed. The property tax levy under this subsection must be treated as:

(1) protected taxes (as defined in IC 6-1.1-20.6-9.8); and

(2) property taxes that are exempt from the levy limitations of IC 6-1.1-18.5.

(f) This section expires June 30, 2016.

SECTION 23. IC 6-1.1-18.5-8, AS AMENDED BY P.L.218-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

(1) bonded indebtedness; or

(2) lease rentals under a lease with an original term of at least five

(5) years.

~~However, this section does not apply to ad valorem property taxes imposed by a township to repay money borrowed under IC 36-6-6-14.~~

(b) Except as provided by subsections (g) and (h), a civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2) (as in effect before July 1, 2008), unless the civil taxing unit demonstrates that a longer period is

reasonable in light of the civil taxing unit's facts and circumstances. A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

(1) incur the bonded indebtedness; or

(2) enter into the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

(g) This subsection applies only to bonds, leases, and other obligations for which a civil taxing unit:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds, leases, or other obligations payable from ad valorem property taxes but not described in subdivision (1), adopts a resolution or ordinance authorizing the bonds, lease

rental agreement, or other obligations after June 30, 2008. Notwithstanding any other provision, review by the department of local government finance and approval by the department of local government finance is not required before a civil taxing unit may issue or enter into bonds, a lease, or any other obligation.

(h) This subsection applies after June 30, 2008. Notwithstanding any other provision, review by the department of local government finance and approval by the department of local government finance is not required before a civil taxing unit may construct, alter, or repair a capital project.

SECTION 24. IC 36-1-8-17.5, AS ADDED BY P.L.205-2013, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17.5. ~~(a) As used in this section, "OPEB" means a post-employment benefit that is considered to be an "other post employment benefit" under the standards of the Governmental Accounting Standards Board.~~

~~(b) Each political subdivision must, before February 1 of each year, report to the department of local government finance the political subdivision's:~~

~~(1) OPEB liability;~~

~~(2) unfunded OPEB liability;~~

~~(3) OPEB assets;~~

~~(4) OPEB contributions; and~~

~~(5) OPEB expenses and expenditures;~~

~~for the preceding year.~~

~~(c)~~ A political subdivision must report, ~~the information required by subsection (b)~~ in the manner specified by the department of local government finance, **information and data on its retiree benefits and expenditures by March 1 of each year.**

SECTION 25. IC 36-4-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Before the publication **(before January 1, 2015) and before the submission** of notice of budget estimates required by IC 6-1.1-17-3, each city shall formulate a budget estimate for the ensuing budget year in the following manner:

(1) Each department head shall prepare for ~~his~~ **the department head's** department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and

item of expenditure ~~he~~ **the department head** anticipates.

(2) The city fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The city executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 26. IC 36-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Before the publication **(before January 1, 2015) and before the submission** of notice of budget estimates required by IC 6-1.1-17-3, each town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner:

(1) Each department head shall prepare for ~~his~~ **the department head's** department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure ~~he~~ **the department head** anticipates.

(2) The town fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The town executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 27. IC 36-8-19-8, AS AMENDED BY P.L.182-2009(ss), SECTION 443, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of

operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

(1) All receipts from the tax imposed under this section.

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(3) Any receipts from a false alarm fee or service charge imposed by the participating units under IC 36-8-13-4.

(4) Any money transferred to the fund by a participating unit under section 8.6 of this chapter.

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory. ~~plus~~ **The provider unit may maintain** a reasonable ~~operating~~ balance, not to exceed **one hundred** twenty percent ~~(20%)~~ **(120%)** of the budgeted expenses. Except as provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount

necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount to be transferred.

(f) The tax under this section is subject to the tax levy limitations imposed under IC 6-1.1-18.5-10.5.

SECTION 28. [EFFECTIVE UPON PASSAGE] **(a) IC 6-1.1-12-10.1, IC 6-1.1-12-12, IC 6-1.1-12-15, IC 6-1.1-12-17, IC 6-1.1-12-17.5, IC 6-1.1-12-27.1, IC 6-1.1-12-30, IC 6-1.1-12-35.5, IC 6-1.1-12-38, IC 6-1.1-12-45, IC 6-1.1-12.6-3, and IC 6-1.1-12.8-4, all as amended by this act, apply to deductions claimed for assessment dates after February 28, 2014.**

(b) This SECTION expires July 1, 2018.

SECTION 29. **An emergency is declared for this act.**

P.L.184-2014
[H.1268. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

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

SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter ~~may include the following:~~

~~(1) Residential or work release programs.~~

~~(2) House arrest, home detention, and electronic monitoring programs.~~

~~(3) Community restitution or service programs.~~

~~(4) Victim-offender reconciliation programs.~~

~~(5) Jail services programs.~~

~~(6) Jail work crews.~~

~~(7) Community work crews.~~

~~(8) Juvenile detention alternative programs.~~

~~(9) Day reporting programs.~~

~~(10) Faith based programs.~~

~~(11) Other community corrections programs approved by the department.~~

shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the community corrections programs.

(b) The community corrections board may also coordinate ~~and~~ **or** operate:

(1) educational;

(2) mental health;

(3) drug or alcohol abuse counseling; **and**

(4) housing;

programs. ~~as a part of any of these programs or~~ **In addition, the board may provide** supervision services for persons described in section 2 of this chapter.

SECTION 2. IC 11-12-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.8. Mental Health and Addiction Forensic Treatment Services

Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. The term includes:

(1) mental health and substance abuse treatment;

(2) vocational services;

(3) housing assistance;

(4) community support services;

(5) care coordination; and

(6) transportation assistance.

Sec. 2. An individual is eligible for mental health and addiction forensic treatment services if the individual:

(1) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;

(2) is a resident of Indiana;

(3) is at least eighteen (18) years of age; and

(4) has entered the criminal justice system as a felon or with a prior felony conviction.

Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.

Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter.

(c) The account consists of:

(1) appropriations made by the general assembly;

(2) grants; and

(3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision

agencies operating in the same county.

(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(c) Mental health and addiction forensic treatment services may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:

(1) mental health and addiction treatment;

(2) vocational services;

(3) housing assistance;

(4) community support services;

(5) care coordination; and

(6) transportation assistance.

(d) Mental health and addiction forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment.

SECTION 3. IC 11-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference upon approval of the state budget committee **to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.**

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent

(3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money appropriated to the judicial conference of Indiana for the purpose of making grants under this chapter does not revert to the state general fund at the close of any fiscal year, but remains available to the judicial conference of Indiana for its use in making grants under this chapter.

SECTION 4. IC 11-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated under this program may be made available to any court administering probation in order to finance expenditures incurred for ~~either~~ **any** of the following purposes:

(1) Salaries for existing or new probation officer positions.

(2) Maintenance or establishment of administrative support services to probation officers.

(3) Development and implementation of:

(A) incentives and sanctions;

(B) policies;

(C) programs; and

(D) services;

to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.

(4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.

(5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.

SECTION 5. IC 11-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial aid for support of probation services may be made only to courts meeting the minimum standards adopted by the judicial conference of Indiana and may not exceed fifty percent (50%) of the cost of the positions or services being financed.~~ Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the **judicial** conference **of Indiana** for

review. The application shall be accompanied by detailed plans regarding the use of the financial aid.

(b) **The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid.** ~~The conference may recommend changes or modifications necessary to effect compliance with the minimum standards.~~ The **judicial** conference and the state budget committee must approve all financial aid granted under this chapter. ~~Any court receiving financial assistance under this chapter may be declared ineligible to receive that assistance if the court fails to maintain the minimum standards.~~

(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.

(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(f) Mental health and substance abuse treatment services provided by financial assistance under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

SECTION 6. IC 12-14-29-2, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for food stamps if the individual meets all the following requirements:

(1) The individual is a resident of a county:

(A) having a reentry court program; **or**

(B) that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana food stamp program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; **or**

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections.

SECTION 7. IC 12-14-29-3, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of a county:

(A) having a reentry court program; **or**

(B) that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; **or**

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections.

SECTION 8. IC 12-14-29-4, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in a reentry court program.

SECTION 9. IC 12-14-29-6, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A court may modify or revoke an order issued under this chapter concerning a ~~food stamp~~ **federal Supplemental Nutrition Assistance Program** eligible individual or a TANF eligible individual at any time.

SECTION 10. IC 12-14-29-7, AS AMENDED BY P.L.128-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or ~~food stamps;~~ **the federal Supplemental Nutrition Assistance Program;** or

(2) when an individual has been terminated from:

(A) a reentry court program; **or**

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections;

during the period in which the individual is eligible for TANF or ~~food stamps.~~ **the federal Supplemental Nutrition Assistance Program.**

P.L.185-2014
[H.1269. Approved March 26, 2014.]

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

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

SECTION 1. IC 1-1-5.5-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 21. (a) A SECTION of P.L.158-2013 or HEA 1006-2014 does not affect:**

(1) penalties incurred;

(2) crimes committed; or

(3) proceedings begun;

before the effective date of that SECTION of P.L.158-2013 or HEA 1006-2014. Those penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if that SECTION of P.L.158-2013 or HEA 1006-2014 had not been enacted.

(b) The general assembly does not intend the doctrine of amelioration (see Vicory v. State, 400 N.E.2d 1380 (Ind. 1980)) to apply to any SECTION of P.L.158-2013 or HEA 1006-2014.

SECTION 2. IC 11-8-8-4.5, AS AMENDED BY P.L.214-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 171, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) ~~*(repealed*~~ **(before its repeal).** ~~*(before its repeal on July 1, 2014).*~~

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual

conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A, Class B, or Class C *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5* felony *(for a crime committed after June 30, 2014),* ~~(IC 35-42-4-9),~~ unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C *felony (for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014);*

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).
(10) Sexual battery (IC 35-42-4-8).
(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
(13) Possession of child pornography (IC 35-42-4-4(c)).
(14) Promoting prostitution (IC 35-45-4-4) as a Class B *felony (for a crime committed before July 1, 2014) or a Level 4* felony *(for a crime committed after June 30, 2014).*
(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.
(18) Sexual misconduct by a service provider with a detained **or supervised** child (IC 35-44.1-3-10(c)).
(19) An attempt or conspiracy to commit a crime listed in

subdivisions (1) through (18).

(20) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (19).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 3. IC 11-8-8-5, AS AMENDED BY P.L.13-2013, SECTION 42, AS AMENDED BY P.L.214-2013, SECTION 5, AND AS AMENDED BY P.L.158-2013, SECTION 172, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) *(before its repeal).* ~~*on July 1, 2014 (repealed).*~~

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor **(IC 35-42-4-9)** as a Class A, Class B, or Class C *felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5* felony *(for a crime committed after June 30, 2014),* ~~(IC 35-42-4-9),~~ unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony *(for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014);*

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony *(for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).*

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(17) Human trafficking (IC 35-42-3.5-1(d)(3)) if the victim is less than eighteen (18) years of age.

(18) Murder (IC 35-42-1-1).

(19) Voluntary manslaughter (IC 35-42-1-3).

(20) Sexual misconduct by a service provider with a detained **or supervised** child (IC 35-44.1-3-10(c)).

(21) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (20).

(22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (21).

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 4. IC 35-31.5-2-186.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 186.2. "Lawful supervision", for purposes of IC 35-44.1-3-10, has the meaning set forth in IC 35-44.1-3-10.**

SECTION 5. IC 35-38-2.6-1, AS AMENDED BY P.L.158-2013, SECTION 400, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of **a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2.1 or IC 35-50-2-2.2.**

~~(1) a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2.2 or IC 35-50-2-2.1;~~

~~(2) a misdemeanor whenever any part of the sentence may not be suspended; or~~

~~(3) an offense under IC 9-30-5 (operating a vehicle while intoxicated) if the person who committed the offense has~~

~~accumulated at least two (2) prior unrelated convictions under IC 9-30-5, and if the person:~~

~~(A) is required to serve the nonsuspendible part of the sentence in a community corrections:~~

~~(i) work release program; or~~

~~(ii) program that uses electronic monitoring as a part of the person's supervision; and~~

~~(B) participates in a court approved substance abuse program.~~

(b) This chapter does not apply to persons convicted of any of the following:

(1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

(2) ~~Except as provided in subsection (a)(3),~~ Any of the following felonies:

(A) Murder (IC 35-42-1-1).

(B) Battery (IC 35-42-2-1) with a deadly weapon or battery causing death.

(C) Kidnapping (IC 35-42-3-2).

(D) Criminal confinement (IC 35-42-3-3) with a deadly weapon.

(E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.

(F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.

(G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.

(H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.

(I) Escape (IC 35-44.1-3-4) with a deadly weapon.

(J) Rioting (IC 35-45-1-2) with a deadly weapon.

~~(K) Dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:~~

~~(i) school property; or~~

~~(ii) a public park.~~

~~(L) Dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in~~

~~IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:~~

~~(i) school property; or~~

~~(ii) a public park.~~

~~(M) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within five hundred (500) feet of:~~

~~(i) school property; or~~

~~(ii) a public park.~~

~~(N) An offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5.~~

~~(O) An offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death).~~

~~(P)~~ **(K)** Aggravated battery (IC 35-42-2-1.5).

~~(Q)~~ **(L)** Disarming a law enforcement officer (IC 35-44.1-3-2).

(3) An offense under IC 9-30-5-4.

(4) An offense under IC 9-30-5-5.

SECTION 6. IC 35-44.1-3-10, AS AMENDED BY P.L.158-2013, SECTION 516, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) ~~As used in this section,~~ **The following definitions apply throughout this section:**

(1) "Lawful supervision" means supervision by:

(A) the department of correction;

(B) a court;

(C) a probation department;

(D) a community corrections program, a community transition program, or another similar program; or

(E) parole.

(2) "Service provider" means:

(A) with respect to a person subject to lawful detention:

(i) a public servant; ~~or other~~

(ii) a person employed by a governmental entity; or ~~another~~

(iii) a person who provides goods or services to a person who is subject to lawful detention; **and**

(B) with respect to a person subject to lawful supervision:

(i) a public servant whose official duties include the supervision of the person subject to lawful supervision;

(ii) a person employed by a governmental entity to provide supervision for the person subject to lawful supervision; or

(iii) a person who is employed by or contracts with a governmental entity to provide treatment or other services to the person subject to lawful supervision as a condition of the person's lawful supervision.

(b) A service provider who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is subject to lawful detention **or lawful supervision** commits sexual misconduct, a Level 5 felony.

(c) A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is:

(1) less than eighteen (18) years of age; and

(2) subject to lawful detention **or lawful supervision;**

commits sexual misconduct, a Level 4 felony.

(d) It is not a defense that an act described in subsection (b) or (c) was consensual.

(e) This section does not apply to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) between spouses.

P.L.186-2014
[H.1300. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-17-17-5, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Any notice required by this article, IC 15-18-1, or IC 15-19-6, including notice required under IC 4-21.5-3, may be served by:

(1) personal delivery to the person concerned, by leaving the notice at the place of business or residence last specified by the person concerned or the person's last notification to the board; or

(2) mailing the notice ~~by registered or certified mail~~ to the place of business or residence last specified by the person concerned in the person's last notification to the board.

SECTION 2. IC 15-18-1-7, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A permit issued under this chapter expires as follows:

(1) A bulk milk hauler/sampler permit expires ~~on December 31 of the third year after the year in which the permit was issued.~~ **two (2) years after the most recent inspection.**

(2) A dairy farm permit expires upon an action listed in subdivisions (4) through (6).

(3) A permit, other than a bulk milk hauler/sampler permit and a dairy farm permit, expires on December 31 of the year in which the permit was issued. Permits issued within the last three (3) months of a year may be issued to expire on December 31 of the following year.

(4) Upon discontinuance of operation for a period of ninety (90) days.

(5) Upon the revocation of the permit by the board.

(6) Upon the sale or other transfer of an operation to a different owner or operator.

(7) For a milk distributor, milk plant, receiving station, transfer station, or milk tank truck cleaning facility, a transfer of the place of business from one (1) building or room to another.

SECTION 3. IC 15-18-1-9, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The state veterinarian shall examine each application for a permit required in this chapter. If the applicant for a permit has complied with all statutes and rules enforced by the board, the state veterinarian shall cause the premises, location, equipment, and operating practices of the applicant to be inspected not later than ten (10) days after the receipt of the application for a permit. If the premises, location, equipment, and operating practices comply with this article and the rules of the board, the state veterinarian shall issue a permit entitling the applicant to engage in the business for which the application was submitted.

(b) The board shall conduct the following inspections:

(1) Each dairy farm and transfer station at least one (1) time every six (6) months.

(2) Each milk plant and receiving station at least one (1) time every three (3) months.

In addition, following the issuance of a permit, the board may, to determine compliance with this chapter, inspect the licensee's facility, procedures, and equipment.

(c) If the board finds a violation of the standards for Grade A milk adopted under section 14 of this chapter, a second inspection is required after the time thought necessary to remedy the violation but not sooner than three (3) days after finding the violation. The reinspection must be used to determine compliance with the requirements adopted under section 14 of this chapter. A violation of the same requirement on the reinspection results in permit suspension in accordance with section 6 of this chapter or court action, or both.

(d) One (1) copy of the inspection report must be:

(1) ~~handed~~ **provided** to the operator or other responsible person; or

(2) posted in a conspicuous place on an inside wall of the

establishment.

The inspection report may not be defaced and must be made available to the board upon request. An identical copy of the inspection report must be filed with the records of the board.

(e) A person licensed under this chapter shall, upon request of the board, permit access of officially designated persons to all parts of the person's establishment or facilities to determine compliance with this chapter. A distributor or plant operator shall furnish the board, upon request and for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold and a list of all sources of the milk and milk products, records of inspection, tests, and pasteurization time and temperature records.

(f) A person who, in an official capacity, obtains under this chapter any information that is entitled to protection as a trade secret, including information as to quantity, quality, source, or disposition of milk or milk products, or results of inspections or tests, may not use the information to the person's own advantage or reveal the information to an unauthorized person.

SECTION 4. IC 15-18-1-11, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A milk plant, receiving station, or transfer station that receives raw milk or raw cream from a producer of raw milk or raw cream shall ~~employ~~ **use** at least one (1) approved ~~grader.~~ **industry plant sampler.**

(b) The board may ~~issue an approved grader permit to a person~~ **approve an industry plant sampler** who meets the following requirements:

(1) The person has submitted an application for an ~~approved grader~~ **industry plant sampler** permit to the board.

(2) The person has ~~been trained by school or experience to grade and inspect raw milk or raw cream.~~ **demonstrated the person's sampling proficiency by passing a performance based evaluation.**

(3) The ~~applicant~~ **person** has passed ~~an~~ **a written** examination given by the board.

~~(c) An application to renew an approved grader permit must be made on forms prescribed by the board.~~

~~(d) A permit of approval does not authorize an approved grader to~~

~~be an official employee, an agent, or a representative of the board. An approved grader may not profess to be an employee, an agent, or a representative of the board.~~

SECTION 5. IC 15-18-1-12, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) A bottle, container, or package enclosing milk, Grade A dry milk **and whey** products, or milk products must be labeled in accordance with the rules of the board.

(b) A milk product may not bear a Grade A label unless the milk product is produced in accordance with the rules of the board for grade A milk or milk products.

~~(b)~~ **(c)** A vehicle or transport tank containing milk or milk products must be legibly marked with the name and address of the milk plant or hauler in possession of the contents.

~~(c)~~ **(d)** A tank transporting raw, heat treated, or pasteurized milk or milk products to a milk plant from sources of supply not under the routine supervision of the board must be marked with the name and address of the milk plant or hauler and must be sealed. In addition, for each shipment a shipping statement must be prepared containing at least the following information:

(1) The shipper's name, address, and permit number.

(2) The permit number of the hauler, if the hauler is not an employee of the shipper.

(3) The point of origin of shipment.

(4) The tanker identity number.

(5) The name of the product.

(6) The weight of the product.

~~(7) The grade of the product.~~

~~(8)~~ **(7)** The temperature of the product.

~~(9)~~ **(8)** The date of shipment.

~~(10)~~ **(9)** The name of the supervising agent of the state regulatory authority at the point of origin.

~~(11)~~ **(10)** Whether the contents are raw, pasteurized, or heat treated.

~~(12)~~ **(11)** The seal number on inlet, outlet, and wash connections and vents.

~~(13)~~ **(12)** The grade of the product.

~~(14)~~ **(13)** The antibiotic test results.

~~(d)~~ **(e)** The statement must be prepared in triplicate and must be kept on file by the shipper, the consignee, and the carrier for six (6) months for the information of the board.

~~(e)~~ **(f)** The labeling information that is required on all bottles, containers, or packages of milk or milk products must be in letters of an acceptable size, kind, and color satisfactory to the board and must contain no marks or words that are misleading.

SECTION 6. IC 15-18-1-13, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Samples of raw and processed milk and milk products must be collected as required under this section and rules adopted by the board as follows:

(1) A bulk milk hauler/sampler shall collect a representative sample of the milk from each farm tank before collecting the milk for delivery. Each sample must be labeled so as to identify the farm of origin. Each sample must be delivered to a milk plant, receiving station, transfer station, or other location approved by the board.

(2) During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization must be collected from each milk producer. The samples must be **taken in separate months. However, not more than once in a three (3) month period the samples may be collected twice in the same month if the samples are** taken at least twenty (20) days apart.

(3) During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization must be collected from each milk plant, after receipt of the milk by the milk plant and before pasteurization. The samples taken from the ~~producer~~ **plant** ~~may not~~ **must** be taken in ~~the same month and~~ **separate months. However, not more than once in a three (3) month period** the samples ~~must~~ **may** be **collected twice in the same month if the samples are** taken at least twenty (20) days apart.

(4) During any consecutive six (6) months, at least four (4) samples of pasteurized milk, heat treated milk, and at least four (4) samples of milk products and Grade A dry milk products must be taken from every milk plant. The samples **taken from the plant** must be taken **in separate months. However, not more than once in a three (3) month period the samples may be**

collected twice in the same month if the samples are taken at least twenty (20) days apart.

Samples of milk and milk products must be taken while in possession of the producer or distributor at any time before final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold must be examined periodically as determined by the board, and the results of the examination must be used to determine compliance with this chapter. Proprietors of such establishments must furnish the board, upon the board's request, with the names of all distributors from whom milk or milk products are obtained.

(b) Bacterial counts, somatic cell counts, and cooling temperature checks must be performed on raw milk for pasteurization as required by the board.

(c) In addition, antibiotic tests on milk from each producer's farm must be conducted at least four (4) times during any consecutive six (6) months. ~~but not~~ **The samples taken from the farm must be taken in separate months. However, not more than once in a three (3) month period the samples may be collected twice** in the same month **if the samples are taken at least twenty (20) days apart.** Antibiotic testing of commingled milk from bulk milk vehicles must be conducted as specified by the United States Food and Drug Administration or the board. When commingled milk is tested, all producers must be represented in the sample. All individual sources of milk must be tested when test results on the commingled milk are positive. The milk plant, receiving station, or transfer station shall conduct or have conducted all tests required by the board on milk producer raw milk sample laboratory analyses and forward the results of the analyses to the board.

(d) Bacterial counts, coliform determinations, phosphatase, and cooling temperature checks must be performed on pasteurized milk and milk products as required by rules adopted by the board.

(e) Whenever two (2) of the last four (4) consecutive bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures taken on separate days exceed the limit of the standard for milk or milk products, the board shall send a written notice to the person concerned. This notice remains in effect as long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample must be taken not later than twenty-one (21) days

after sending the notice, but not before the lapse of three (3) days. Immediate suspension of a permit or court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures.

(f) Whenever a phosphatase test is positive, the cause must be determined. If the cause is improper pasteurization, the problem must be corrected, and any milk or milk product involved may not be offered for sale.

(g) Samples must be analyzed at an official laboratory or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations must be in substantial compliance with the most current edition of the Standard Methods for the Examination of Dairy Products of the American Public Health Association and the most current edition of the Official Methods of Analyses of AOAC International. These procedures and examinations must be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States Food and Drug Administration. Aseptically processed milk and milk products packaged in hermetically sealed containers must be tested in accordance with the United States Food and Drug Administration's Bacteriological Analytical Manual.

(h) Examinations and tests must be conducted to detect adulterants, including pesticides, as the board requires. Assays of vitamin D milk or milk products and fortified milk and milk products must be made at least annually by a milk plant in a laboratory acceptable to the board. Facilities fortifying products with vitamins must keep volume control records that cross-reference the form and amount of vitamin D and vitamin A used with the amount of product produced.

SECTION 7. IC 15-18-1-14, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) Raw milk for processing and milk and milk products must conform to all the standards in the rules adopted by the board.

(b) The board shall adopt a rule and may adopt emergency rules under IC 4-22-2-37.1 to establish standards for Grade A milk and milk products. The standards adopted under this section must be:

(1) the same as; or

(2) at least as effective in protecting health as;

the ~~federal~~ **national** standards for Grade A milk adopted by the National Conference on Interstate Milk Shipments in accordance with the national conference's Memorandum of Understanding with the United States Department of Health and Human Services, Food and Drug Administration. ~~including amendments to the federal standards in effect June 30, 1993.~~

(c) The board shall determine when an amendment to ~~federal~~ **national** standards described in subsection (b) has been adopted. If the board determines that an amendment to the ~~federal~~ **national** standards has been adopted, the board shall adopt rules and may adopt emergency rules under IC 4-22-2-37.1 to amend the rules adopted by the board under subsection (b) to provide a standard that is:

(1) the same as; or

(2) at least as effective in protecting health as;

the amendment to the ~~federal~~ **national** standards for Grade A milk.

(d) The board may adopt standards for the production of manufacturing grade milk products.

(e) The board may do the following:

(1) Adopt rules defining grades of raw milk and milk products and various tests to be made at different intervals in the receipt of raw milk and milk products for the manufacturing or processing of milk and milk products.

(2) Adopt sanitary rules concerning the sampling, production, manufacturing, processing, handling, packing, storing, distributing, and transporting of milk and milk products for the enforcement of this chapter.

(3) Provide that raw milk and milk products that do not meet the minimum standards provided and that are unfit for human consumption be destroyed or removed from distribution channels for human food in a manner provided by rule.

(4) Require training for bulk milk hauler/samplers.

SECTION 8. IC 15-18-1-16, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Milk must be screened for drug residue violations as follows:

(1) Except as provided in subdivision (2), milk shall be screened for drug residues as required by this chapter and rules adopted by the board. The board may adopt rules governing testing for drug

residues in milk that are at least as effective in protecting the public health as the ~~federal~~ **national** standards adopted by the National Conference on Interstate Milk Shipments. ~~in the Pasteurized Milk Ordinance.~~

(2) Milk from manufacturing grade dairy farms shall be tested for drug residues as required by this chapter and rules adopted by the board.

(3) All milk that tests positive for drug residues must be disposed of in a manner that removes it from the human and animal food chain or that acceptably reconditions the milk under United States Health and Human Services, Food and Drug Administration compliance policy guidelines. In all cases of drug residue violations, a producer may not resume shipping milk until a drug test conducted by an officially designated laboratory shows the producer's milk is negative for drug residues and the test results are reported to the office of the state veterinarian.

(4) All positive drug residue test results must be called into the office of the state veterinarian immediately, and a written report of the test results must be faxed or delivered to the office of the state veterinarian not later than twenty-four (24) hours after the test. The producer whose milk tested positive must be notified of the positive drug residue test immediately. The company that conducted the test is responsible for the reporting requirements in this subdivision.

(b) The board may impose a civil penalty described in section 17 of this chapter on a person that sells or offers to sell milk that contains drug residues.

SECTION 9. IC 15-18-1-17, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The following definitions apply throughout this section:

(1) "Daily production" means the amount of milk, measured by hundred weight, produced by the positive producer in one (1) day, measured on the day in which the drug residue violation occurred.

(2) "Producer reimbursement" means an amount assessed against the positive producer to reimburse others for milk contaminated by the positive producer's contaminated milk, not including the value of the positive producer's contaminated milk for which the

positive producer was not paid.

(3) "Revocation period" means the period after a Grade A producer's permit is revoked under this section that the producer may not apply for a Grade A permit.

(b) A penalty established under this section may not be more severe than the penalty standard for drug residue violations adopted by the National Conference on Interstate Milk Shipments in its Pasteurized Milk Ordinance adopted in accordance with the National Conference's Memorandum of Understanding with the United States Department of Health and Human Services, Food and Drug Administration. The penalty imposed may not exceed one thousand dollars ($1,000) for a first offense or two thousand dollars ($2,000) for a subsequent offense.

(c) A producer whose milk tests positive for drug residues shall pay a civil penalty and participate in drug residue education activities as follows:

(1) The following is imposed on a producer for the first positive test for drug residues within a twelve (12) month period:

(A) The civil penalty shall be determined as follows:

STEP ONE: Multiply the daily production by two (2).

STEP TWO: Multiply the STEP ONE result by three dollars ($3).

STEP THREE: Subtract the producer reimbursement from the STEP TWO result.

The positive producer shall pay a civil penalty that is the greater of the amount determined in STEP THREE or five dollars ($5).

(B) The positive producer must, in conjunction with the producer's veterinarian and an official of the board, complete ~~the "Milk and Dairy Beef Residue Prevention Protocol"~~ **an approved protocol to prevent future drug residue violations** and provide proof of completion to the board of animal health, office of the state veterinarian within thirty (30) days after the drug residue violation. Failure to complete the protocol and submit proof of completion within thirty (30) days results in action to suspend the producer's permit.

(2) The following is imposed for a second positive test for drug residues within a twelve (12) month period:

(A) The civil penalty **described in subdivision (1)(A)** shall be

~~determined as follows:~~

~~STEP ONE: Multiply the daily production by four (4).~~

~~STEP TWO: Multiply the STEP ONE result by three dollars ($3).~~

~~The positive producer shall pay a civil penalty that is the greater of the amount determined in STEP TWO or five dollars ($5).~~ **imposed.**

(B) The positive producer must ~~in conjunction with the producer's veterinarian and an official of the board,~~ complete ~~the "Milk and Dairy Beef Residue Prevention Protocol" and provide proof of completion to the state veterinarian within thirty (30) days after the drug residue violation. Failure to complete the protocol and provide proof of completion results in action to suspend the producer's permit.~~ **an approved protocol described in subdivision (1)(B).**

(C) The producer must attend a ~~producer education program or~~ meeting ~~designated~~ **called** by the state veterinarian ~~The producer is responsible for paying registration and material fees and other costs associated with attending the education program or meeting. The producer must provide proof of attendance to the state veterinarian within ten (10) days after completion of the program or meeting.~~ **to discuss the violations and demonstrate that appropriate practices have been implemented to mitigate the risk of further drug residue violations.**

(3) The third **or subsequent** positive test result for drug residues within a twelve (12) month period has the following results:

(A) The board shall **initiate action under section 6 of this chapter to suspend or** revoke a producer's Grade A permit if the producer has a permit.

(B) The ~~sanctions for a second offense~~ **civil penalty** set forth in subdivision ~~(2) are~~ **(1)(A) is** imposed.

(C) **If a producer requests reinstatement of the producer's permit,** the producer must submit to the state veterinarian a set of written procedures that the producer will follow to prevent future drug residue violations. The procedures must ~~be submitted with the proof of completion required in subdivision (2) and must~~ be specific, practical, and reasonably likely to

lessen the possibility of a drug residue violation when followed by the producer.

~~(D) After a producer's Grade A permit is revoked for a third offense violation under this statute, the producer may not receive a new Grade A permit for thirty (30) days after the date of the revocation. After this period, the state veterinarian must issue a conditional Grade A permit to a producer that has applied for a permit if the producer has met all the requirements of this section at the time of application and the producer meets all other requirements of the board for obtaining a Grade A permit. The permit must be issued on the condition that all the requirements of this section must be completed within the time set forth in this section. A permit issued under this clause automatically becomes unconditional after the producer fully complies with this section.~~

~~(4) For each drug residue violation in a twelve (12) month period in excess of three (3) the producer is subject to the penalties for a third offense in subdivision (3), but for Grade A producers the revocation period begins on the date the producer's permit is revoked and runs for a period equal to two (2) times the length of the revocation period imposed after the producer's last drug residue violation.~~

(d) The state veterinarian, by special permit, may allow a producer that objects to the imposition of a civil penalty to dump two (2) days of milk production on a first offense and four (4) days of milk production on the second or third offense instead of paying a civil penalty if payment of a civil penalty would impose undue hardship on a producer. The state veterinarian may set the conditions under which the milk is to be dumped and may require documentation from the producer showing the circumstances under which the milk was dumped.

(e) Civil penalties collected under this section shall be deposited in the dairy drug residue abatement fund established by section 31 of this chapter.

SECTION 10. IC 15-18-1-20, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) Only Grade A pasteurized milk, Grade A pasteurized milk products, and manufacturing grade milk products that meet the requirements of this chapter, including rules adopted under

this chapter, may be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments.

(b) A municipality or county may not do the following:

(1) Impose different standards or requirements for Grade A milk and milk products or manufacturing grade milk products than those provided for in this chapter.

(2) Prohibit the sale of milk or a milk product if the milk or milk product has been produced and processed in accordance with this chapter.

~~(c) A milk product other than a milk product that bears a Grade A label must meet the requirements for the production, processing, and handling of Grade A milk. This labeling requirement does not apply to butter or to any other product that is excluded by rules of the board.~~

SECTION 11. IC 15-18-1-22, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) Except as permitted in this section, a milk producer or distributor may not transfer milk or milk products from one (1) container or tank truck to another on the street, in a vehicle, store, or in any place except a milk plant, receiving station, transfer station, or milkhouse especially used **and permitted** for that purpose. The dipping or ladling of milk or fluid milk products is prohibited. A can milk hauler or a bulk milk hauler/sampler may not sample raw milk or milk products to test for butterfat or transfer raw milk or milk products from one (1) can or vehicle to another while in transit except in a receiving station, transfer station, or in conformity with the statutes and rules enforced by the board.

(b) A person may not sell or serve milk or a fluid milk product except in the individual original container received from the distributor or from an approved bulk dispenser. However, this requirement does not apply to the following:

(1) Milk for mixed drinks requiring less than one-half (1/2) pint of milk.

(2) Cream, whipped cream, or half-and-half that is consumed on the premises and that may be served from the original container of not more than one-half (1/2) gallon capacity or from a bulk dispenser approved for such service by the board.

(c) A person may not sell ~~or serve~~ pasteurized milk or a milk product that has not been maintained at a temperature required by rule

adopted by the board. ~~If containers of pasteurized milk or milk products are stored in ice, the storage container must be properly drained.~~

SECTION 12. IC 15-18-2-9, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) The creamery examining board is established. The board consists of eight (8) members composed of the following:

(1) Three (3) producers of milk and cream.

(2) Three (3) processors of milk and cream.

(3) One (1) member of the animal sciences department who shall be appointed by the dean of agriculture of Purdue University.

(4) One (1) milk hauler.

The board shall elect a chairperson annually.

(b) Two (2) of the producer members shall be elected to the board by **the board of directors of** the Indiana ~~Cooperative Milk Producer's Federation, Inc.~~ **Dairy Producers, Inc.** The third producer member shall be elected to the board by the Indiana State Dairy Association. **If an organization is unable to elect a producer to the board, then the other organization shall elect the producer to the board. However, if both organizations are unable to elect a producer to the board, the dean of agriculture of Purdue University shall appoint a producer to fill the open position after consulting with dairy producers in Indiana.**

(c) The three (3) processor members shall be elected to the board by the Midwest Dairy Products Association. **If the Midwest Dairy Products Association is not able to elect a processor to the board, the dean of agriculture of Purdue University shall appoint a processor to fill the open position after consulting with dairy processors in Indiana.**

(d) The Midwest Dairy Products Association shall elect one (1) member each year. The **board of directors of the** Indiana ~~federation of cooperatives~~ **Dairy Producers, Inc.,** shall elect a producer member to the board two (2) out of every three (3) years and the Indiana State Dairy Association shall select a producer member during the third year.

(e) The milk hauler member shall be appointed to the board by the dean of agriculture of Purdue University. ~~or the dean's designee.~~

SECTION 13. IC 15-18-2-13, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 13. On recommendation of the board and with the approval of the dean of agriculture of Purdue University, inspectors of the creamery license division may inspect records or collect data on the quality **and quantity** of milk and cream in plants that:

(1) cooperate with Purdue University in the quality improvement program; or

(2) assist in any other project that will be of mutual benefit to the Indiana dairy industry and the Purdue University animal sciences department.

SECTION 14. IC 15-18-2-17, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) A person or a person's agent buying or paying for milk or cream on the basis of the amount of butterfat contained in the milk or cream as determined by the Babcock test shall use standard Babcock testing glassware and accurate scales.

~~(b) All standard Babcock testing glassware and weights must be:~~

~~(1) inspected for accuracy by Purdue University; and~~

~~(2) legibly and indelibly marked by Purdue University with the letters "S.G.P." (Standard Glassware Purdue).~~

~~A bottle or pipette may not be used for a test unless the bottle or pipette is examined and marked by Purdue University.~~

~~(c) A person or a person's agent may not use test bottles and pipettes other than standard bottles or pipettes that have been examined and marked as provided in this section to determine the amount of fat in milk or cream bought or paid for on the butterfat basis.~~

~~(d)~~ **(b)** In conducting tests other than an approved test for determining the total composition of milk and the protein and fat components of milk, test equipment used that will influence test results must be approved by the creamery license division before use in determining producer pay tests.

SECTION 15. IC 15-18-2-19, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) A person who does testing in connection with the receiving, buying, or paying for milk or cream on the basis of the total composition or the protein and fat components contained in the milk or cream, either for the person or as an officer, a servant, an agent, or an employee of any person, must hold a tester's license.

(b) A dairy processing plant, receiving station, or other factory, or

person, or person's agent, that receives, buys, or pays for milk or cream on the basis of the total composition or the protein and fat components contained in the milk or cream shall employ a licensed tester to supervise and is responsible for the operation of the testing of milk or cream.

(c) A milk tester's license or cream tester's license shall be issued to a person by the creamery license division if the person:

(1) passes a satisfactory examination as provided for in the rules adopted by the board and demonstrates that the person is competent and qualified to test milk or cream; and

(2) pays a license fee as provided in section 24 of this chapter.

A license shall be revoked by the creamery license division upon recommendation of the board if the licensee fails to comply with the rules under which the license was granted.

(d) The board may refuse to issue or reissue a license under this section to a person who:

(1) has:

(A) previously held a license under this section; and

(B) had the license revoked or suspended by the board; or

(2) has held a milk testing related license or permit that has been suspended or revoked in another state.

SECTION 16. IC 15-18-2-20, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) A person who does sampling in connection with receiving, buying, or paying for milk or cream on the basis of the total composition of milk or the protein and fat components contained in the milk or cream, either for the person, or as officer, servant, agent, or employee of any person, must hold a sampler's license.

(b) A dairy processing plant, receiving station, other factory, person, or person's agent, that receives, buys, or pays for milk or cream on the basis of the amount of butterfat contained in the milk or cream shall employ a licensed sampler to supervise and is responsible for the sampling and weighing of milk or cream to obtain a representative sample and make and record correct weights of the whole amount of milk or cream delivered.

(c) A milk sampler's license or cream sampler's license shall be issued to a person by the creamery license division if the person:

(1) passes a satisfactory examination as provided for in the rules

adopted by the board and demonstrates that the person is competent and qualified to sample milk or cream; and

(2) pays a license fee as provided in section 25 of this chapter.

A license shall be revoked by the creamery license division upon recommendation of the board if the licensee fails to comply with the rules under which the license was granted.

(d) A license to test milk or cream includes the authority to sample and weigh milk or cream.

(e) The board may refuse to issue or reissue a license under this section to a person who:

(1) has:

(A) previously held a license under this section; and

(B) had the license revoked or suspended by the board; or

(2) has held a milk sampling related license or permit that has been suspended or revoked in another state.

SECTION 17. IC 15-18-2-21, AS ADDED BY P.L.2-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. ~~(a) A person who desires to test or sample and weigh either milk or cream before taking the examination must apply to the creamery license division for a temporary permit.~~

~~(b) A temporary permit entitles the holder to test or sample and weigh milk or cream until the date specified for taking the examination. A permit holder has the same responsibilities as a licensee in complying with this chapter.~~

~~(c)~~ An application for a ~~temporary permit~~ **new license** to test must be accompanied by the payment of a fee of thirty dollars ($30). An application for a ~~temporary permit~~ **new license** to sample or weigh must be accompanied by the payment of a fee of twenty dollars ($20). The fee shall pay for the first regular tester's or sampler's license issued to the applicant. If the applicant fails the examination or discontinues work before the examination can be given, the applicant forfeits the fee paid for the ~~temporary permit.~~ **new license.**

SECTION 18. IC 15-18-2-27 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 27. The board shall establish fees for examining glassware based on the actual cost.~~

P.L.187-2014
[H.1332. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

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

SECTION 1. IC 4-3-22-16, AS AMENDED BY P.L.110-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]: Sec. 16. (a) As used in this section, "coordinator" means the following:

(1) A small business regulatory coordinator (as defined in IC 4-22-2-28.1(b)).

(2) An ombudsman designated under IC 13-28-3-2.

(3) An ombudsman designated under ~~IC 5-28-17-5.~~ **IC 4-4-35-8.**

(b) Each coordinator may review proposed legislation affecting the small businesses that are regulated by the agency or that would be regulated by the agency under proposed legislation. A coordinator may submit to the OMB written comments concerning the impact of proposed legislation on small business.

(c) The OMB may review comments received under subsection (b). The OMB may amend the comments. After completing its review, the OMB shall transmit the comments to the legislative services agency for posting on the general assembly's web site. The comments submitted under this section shall be transmitted electronically in a format suitable for posting to the general assembly's web site as determined by the legislative services agency.

SECTION 2. IC 4-4-3.2 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Promotion of Livestock Shows).

SECTION 3. IC 4-4-3.3 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Promotion of Foreign Markets for Agricultural Products).

SECTION 4. IC 4-4-3.8 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Aquaculture).

SECTION 5. IC 4-4-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Community Promotion Program).

SECTION 6. IC 4-4-27 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Inspection of Grain Moisture Testing Equipment).

SECTION 7. IC 4-4-35 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]:

Chapter 35. Office of Small Business and Entrepreneurship

Sec. 1. As used in this chapter, "director" refers to the director of the office of small business and entrepreneurship appointed under section 4 of this chapter.

Sec. 2. As used in this chapter, "office" refers to the office of small business and entrepreneurship established by section 3 of this chapter.

Sec. 3. The office of small business and entrepreneurship is established.

Sec. 4. (a) The lieutenant governor shall appoint an individual to be the director of the office.

(b) The director:

(1) serves at the lieutenant governor's pleasure;

(2) is entitled to receive compensation in an amount set by the lieutenant governor subject to the approval of the budget agency under IC 4-12-1-13; and

(3) is responsible to the lieutenant governor.

(c) The director is the chief executive and administrative officer of the office.

(d) The director may appoint employees in the manner provided by IC 4-15-2.2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

(e) The director may delegate the director's authority to the appropriate office staff.

Sec. 5. The office shall do the following:

(1) Operate the Indiana small business development center.

(2) Maintain, through the small business development centers, a statewide network of public, private, and educational resources to, among other things, inform small businesses of the state and federal programs under which small businesses may obtain financial assistance or realize reduced costs through programs such as the small employer health

insurance pooling program under IC 27-8-5-16(8).

(3) Employ a small business ombudsman.

(4) Support the development of small business in Indiana through the Indiana small business development center.

(5) Administer the young entrepreneurs program under IC 4-4-36.

(6) Develop and administer programs to support the growth of small businesses.

Sec. 6. The office may operate a small business assistance center to provide small businesses, including minority owned businesses and businesses owned by women, with access to managerial and technical expertise and to provide assistance in resolving problems encountered by small businesses.

Sec. 7. The office has the following:

(1) All powers, duties, and responsibilities designated by the governor or the lieutenant governor, or both, that are consistent with the exercise of executive authority under the Constitution of the State of Indiana.

(2) All powers, duties, and responsibilities provided to the office by statute.

Sec. 8. The office shall designate an employee to be the small business ombudsman. The small business ombudsman serves at the pleasure of the director. The office shall provide staff support to the small business ombudsman. The small business ombudsman shall carry out the following duties:

(1) Work with state agencies to permit increased enforcement flexibility and the ability to grant common sense exemptions for first time offenders of state rules and policies, including, notwithstanding any other law, policies for the compromise of interest and penalties related to a listed tax (as defined in IC 6-8.1-1-1) and other taxes and fees collected or administered by a state agency.

(2) Work with state agencies to seek ways to consolidate forms and eliminate the duplication of paperwork, harmonize data, and coordinate due dates.

(3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform cost benefit analyses.

(4) Work with state agencies to monitor any outdated, ineffective, or overly burdensome information requests from

state agencies to small businesses.

(5) Carry out the duties specified under IC 4-22-2-28 and IC 4-22-2.1 to review proposed rules and participate in rulemaking actions that affect small businesses.

(6) Coordinate with the ombudsman designated under IC 13-28-3-2 and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under IC 4-22-2-28.1 and IC 13-28-3.

(7) Prepare written and electronic information for periodic distribution to small businesses describing the small business services provided by coordinators (as defined in IC 4-3-22-16) and work with the office of technology established by IC 4-13.1-2-1 to place information concerning the availability of these services on state Internet web sites that the small business ombudsman or a state agency determines are most likely to be visited by small business owners and managers.

(8) Assist in training agency coordinators that are assigned to rules under IC 4-22-2-28.1(e).

(9) Investigate and attempt to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

State agencies shall cooperate with the small business ombudsman to carry out the purpose of this section. The department of state revenue and the department of workforce development shall establish a program to distribute the information described in subdivision (7) to small businesses that are required to file returns or information with these state agencies.

Sec. 9. The office may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of this chapter.

SECTION 8. IC 4-4-36 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]:

Chapter 36. Young Entrepreneurs Program

Sec. 1. As used in this chapter, "office" means the office of small business and entrepreneurship established by IC 4-4-35-3.

Sec. 2. As used in this chapter, "young entrepreneur" means an individual who:

(1) is enrolled in a state educational institution and pursuing

a major or minor in an entrepreneurial program; or

(2) graduated from a state educational institution with a major or minor in an entrepreneurial program not more than three (3) years before submitting an application to participate in a program established under section 3 of this chapter.

Sec. 3. (a) The office shall administer a program to promote young entrepreneurs who wish to start a business in Indiana. The program is the continuation of the program established under IC 5-28-35 (repealed).

(b) The office shall cooperate with the office of community and rural affairs established by IC 4-4-9.7-4 to inform rural communities of the opportunity to seek economic development opportunities under the program.

(c) Notwithstanding any other law, the office may use any money available to the office under this article to implement this chapter.

Sec. 4. The program administered under this chapter must include at least one (1) auction per year in which interested communities and economic development organizations bid on the opportunity to locate a young entrepreneur's business in the community or territory served by the economic development organization.

Sec. 5. A young entrepreneur who wishes to participate in the program must apply on a form prescribed by the office. The application must describe the young entrepreneur's proposals for starting a business in Indiana, including start up needs for the proposed business and the applicant's preferred locations.

Sec. 6. The office shall review the applications submitted under section 5 of this chapter and select the young entrepreneurs permitted to participate in an auction conducted under section 7 of this chapter.

Sec. 7. The office shall publicly announce the office's intent to conduct an auction and the auction guidelines. The office may conduct an auction held under this section in person or in an online format at a state educational institution or a state government location in Indianapolis.

Sec. 8. (a) Communities and economic development organizations may submit bids to the office for the auction consistent with the guidelines announced by the office. The office

shall review each bid submitted at the auction to identify the communities and economic development organizations that submitted bids that meet or exceed the needs of the selected young entrepreneurs.

(b) The office shall review the bids identified under subsection (a) and assist the young entrepreneur in selecting a winning community or economic development organization from among the identified bids. A bid selected by a young entrepreneur under this subsection is legally binding upon the parties in accordance with the terms of the selected bid.

Sec. 9. The office may assist each young entrepreneur selected to participate in the program with the development of the young entrepreneur's business proposal to ensure that each proposal is professionally presented to interested bidders.

Sec. 10. The office shall conduct a preview event before an auction held under section 7 of this chapter. The preview event must be designed to introduce the young entrepreneurs selected for the auction to interested communities and economic development organizations. The preview event may be held at a state educational institution or a state government location in Indianapolis.

Sec. 11. The office of community and rural affairs shall assist rural communities and economic development organizations serving rural communities in reviewing business proposals and preparing bids for an auction held under section 7 of this chapter.

Sec. 12. The office may impose a reasonable fee on a community or economic development organization that participates in an auction conducted under this chapter.

Sec. 13. This chapter expires December 31, 2016.

SECTION 9. IC 4-22-2-28, AS AMENDED BY P.L.291-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]: Sec. 28. (a) The following definitions apply throughout this section:

(1) "Ombudsman" refers to the small business ombudsman designated under ~~IC 5-28-17-5.~~ **IC 4-4-35-8.**

(2) "Total estimated economic impact" means the direct annual economic impact of a rule on all regulated persons after the rule is fully implemented under subsection (g).

(b) The ombudsman:

(1) shall review a proposed rule that:

(A) imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and

(B) is referred to the ombudsman by an agency under IC 4-22-2.1-5(c); and

(2) may review a proposed rule that imposes requirements or costs on businesses other than small businesses (as defined in IC 4-22-2.1-4).

After conducting a review under subdivision (1) or (2), the ombudsman may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses or other businesses. The agency that intends to adopt the proposed rule shall respond in writing to the ombudsman concerning the ombudsman's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter.

(c) Subject to subsection (e) and not later than fifty (50) days before the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars ($500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by the rule. To assist the office of management and budget in preparing the fiscal impact statement required by subsection (d), the agency shall submit, along with the proposed rule, the data used and assumptions made by the agency in determining the total estimated economic impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the rule, and not more than forty-five (45) days after receiving a proposed rule under subsection (c), the office of management and budget shall prepare, using the data and assumptions provided by the agency proposing the rule, along with any other data or information available to the office of management and budget, a fiscal impact statement concerning the effect that compliance with the proposed rule will have on:

(1) the state; and

(2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic impact of the proposed rule and a determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision. The fiscal impact statement is a public document. The office of management and budget shall make the fiscal impact statement available to interested parties upon request and to the agency proposing the rule. The agency proposing the rule shall consider the fiscal impact statement as part of the rulemaking process and shall provide the office of management and budget with the information necessary to prepare the fiscal impact statement, including any economic impact statement prepared by the agency under IC 4-22-2.1-5. The office of management and budget may also receive and consider applicable information from the regulated persons affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give written notice to the office of management and budget of the proposed date of preliminary adoption of the proposed rule not less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal impact statement referred to in subsection (d) not later than twenty-one (21) days before the proposed date of preliminary adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated economic impact greater than five hundred thousand dollars ($500,000), the agency proposing the rule shall consider the impact of the rule on any regulated person that already complies with the standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to certain regulated persons; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all regulated persons that will be affected by the rule.

In determining the total estimated economic impact of a proposed rule under this section, the agency proposing the rule shall consider the

annual economic impact on all regulated persons beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total estimated economic impact of a rule under this section.

(h) This subsection applies to any proposed rule submitted under this section or section 40 of this chapter to the office of management and budget after June 30, 2013. An agency shall provide the administrative rules oversight committee with any analysis, data, and description of assumptions submitted to the office of management and budget under this section or section 40 of this chapter at the same time the agency submits the information to the office of management and budget. The office of management and budget shall provide the administrative rules oversight committee with any fiscal impact statement and related supporting documentation prepared by the office of management and budget under this section or section 40 of this chapter at the same time the office of management and budget provides the fiscal impact statement to the agency proposing the rule. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(i) This subsection applies to any analysis completed after June 30, 2013, to comply with a statute described in this subsection. An agency shall provide the administrative rules oversight committee with any economic impact or fiscal impact statement, including any supporting data, studies, or analysis, prepared for a rule proposed by the agency or subject to readoption by the agency to comply with:

(1) a requirement in section 19.5 of this chapter to minimize the expenses to regulated entities that are required to comply with the rule;

(2) a requirement in section 24 of this chapter to publish a justification of any requirement or cost that is imposed on a regulated entity under the rule;

(3) a requirement in IC 4-22-2.1-5 to prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented;

(4) a requirement in IC 4-22-2.5-3.1 to conduct a review to

consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses;

(5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish information concerning the fiscal impact of a rule or alternatives to a rule subject to these provisions; or

(6) a requirement under any other law to conduct an analysis of the cost, economic impact, or fiscal impact of a rule;

regardless of whether the total estimated economic impact of the proposed rule is more than five hundred thousand dollars ($500,000), as soon as practicable after the information is prepared. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

SECTION 10. IC 4-22-2-28.1, AS AMENDED BY P.L.133-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]: Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter or by IC 13-14-9-3 is published by an agency or the board (as defined in IC 13-13-8-1).

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" has the meaning set forth in IC 5-28-2-6.

(e) For each rulemaking action and rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule.

The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

(1) in the case of a proposed rule, the notice of intent to adopt the rule published under section 23 of this chapter; or

(2) in the case of a rule proposed by the department of environmental management or the board (as defined in IC 13-13-8-1), the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule, the name, address, telephone number, and electronic mail address of the small business ombudsman designated under ~~IC 5-28-17-5,~~ **IC 4-4-35-8,** and a statement of the resources available to regulated entities through the small business ombudsman designated under ~~IC 5-28-17-5.~~ **IC 4-4-35-8.** Subject to subsection (f), in the case of a rule finally adopted, the final rule, as published in the Indiana Register, must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or the board (as defined in IC 13-13-8-1) under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 or in the findings published under IC 13-14-9-8(b)(1), whichever applies, and in the publication of the final rule in the Indiana Register:

(1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;

(2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;

(3) if applicable, a statement of:

(A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and

(B) the name, address, telephone number, and electronic mail

address of the ombudsman for small business designated under IC 13-28-5-2(3); and

(4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

(g) If the notice provided under IC 13-14-9-3 is not published as allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

(1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.

(2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.

(3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.

(4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under

IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3; and

(2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

(1) not later than ten (10) days after the date on which the rule is submitted to the publisher under section 35 of this chapter; and

(2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

(1) compile the records received from all of the agency's coordinators under subsection (j);

(2) prepare a report that sets forth:

(A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;

(B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;

(C) the total number of staff serving as coordinators under this section during the most recent state fiscal year;

(D) the agency's costs in complying with this section during the most recent state fiscal year; and

(E) the projected budget required by the agency to comply with this section during the current state fiscal year; and

(3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the small business ombudsman designated ~~by IC 5-28-17-5.~~ **under IC 4-4-35-8.**

SECTION 11. IC 4-22-2.1-5, AS AMENDED BY P.L.110-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]: Sec. 5. (a) If an agency intends to adopt a rule under IC 4-22-2 that will impose requirements or costs on small businesses, the agency shall prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented as described in subsection (b). The statement required by this section must include the following:

(1) An estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.

(2) An estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

(3) An estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule. The agency is not required to submit the proposed rule to the office of management and budget for a fiscal analysis under IC 4-22-2-28 unless the estimated economic impact of the rule is greater than five hundred thousand dollars ($500,000) on all regulated entities, as set forth in IC 4-22-2-28.

(4) A statement justifying any requirement or cost that is:

(A) imposed on small businesses by the rule; and

(B) not expressly required by:

(i) the statute authorizing the agency to adopt the rule; or

(ii) any other state or federal law.

The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

(5) A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision

must consider the following methods of minimizing the economic impact of the proposed rule on small businesses:

(A) The establishment of less stringent compliance or reporting requirements for small businesses.

(B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

(C) The consolidation or simplification of compliance or reporting requirements for small businesses.

(D) The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

(E) The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

If the agency has made a preliminary determination not to implement one (1) or more of the alternative methods considered, the agency shall include a statement explaining the agency's reasons for the determination, including a reference to any data, studies, or analyses relied upon by the agency in making the determination.

(b) For purposes of subsection (a), a proposed rule will be fully implemented with respect to small businesses after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to small businesses or certain types of small businesses; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all small businesses that will be affected by the rule.

In determining the total annual economic impact of the rule under subsection (a)(3), the agency shall consider the annual economic impact on all small businesses beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total annual economic impact of a rule under subsection (a)(3).

(c) The agency shall:

(1) publish the statement required under subsection (a) in the Indiana Register as required by IC 4-22-2-24; and

(2) deliver a copy of the statement, along with the proposed rule, to the small business ombudsman designated under ~~IC 5-28-17-5~~ **IC 4-4-35-8** not later than the date of publication under subdivision (1).

SECTION 12. IC 5-28-5-6.5, AS ADDED BY P.L.56-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]: Sec. 6.5. The board shall maintain a small business division ~~including the Small Business Development Center Lead Center,~~ to carry out the corporation's duties under IC 5-28-17. The board shall staff the division with employees of the corporation.

SECTION 13. IC 5-28-17-1, AS AMENDED BY P.L.133-2012, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014]: Sec. 1. (a) The corporation shall do the following to carry out this chapter:

(1) Contribute to the strengthening of the economy of Indiana by encouraging the organization and development of new business enterprises, including technologically oriented enterprises.

(2) Approve and administer loans from the small business development fund established by IC 5-28-18.

(3) Conduct activities for nontraditional entrepreneurs under IC 5-28-18.

(4) Establish and administer the small and minority business financial assistance program under IC 5-28-20.

(5) Assist small businesses in obtaining state and federal tax incentives.

~~(6) Maintain, through the Small Business Development Centers, a statewide network of public, private, and educational resources to, among other things, inform small businesses of the state and federal programs under which they may obtain financial assistance or realize reduced costs through programs such as the small employer health insurance pooling program under IC 27-8-5-16(8).~~

(b) The corporation may do the following to carry out this chapter:

(1) Receive money from any source, enter into contracts, and expend money for any activities appropriate to its purpose.

(2) Do all other things necessary or incidental to carrying out the corporation's functions under this chapter.

(3) Establish programs to identify entrepreneurs with marketable

ideas and to support the organization and development of new business enterprises, including technologically oriented enterprises.

(4) Conduct conferences and seminars to provide entrepreneurs with access to individuals and organizations with specialized expertise.

(5) Establish a statewide network of public, private, and educational resources to assist the organization and development of new enterprises.

~~(6) Operate a small business assistance center to provide small businesses, including minority owned businesses and businesses owned by women, with access to managerial and technical expertise and to provide assistance in resolving problems encountered by small businesses.~~

~~(7)~~ **(6)** Cooperate with public and private entities, including the Indiana Small Business Development Center Network and the federal government marketing program, in exercising the powers listed in this subsection.

~~(8)~~ **(7)** Establish and administer the small and minority business financial assistance program under IC 5-28-20.

~~(9)~~ **(8)** Approve and administer loans from the small business development fund established by IC 5-28-18.

~~(10)~~ **(9)** Coordinate state funded programs that assist the organization and development of new enterprises.

SECTION 14. IC 5-28-17-5 IS REPEALED [EFFECTIVE MAY 1, 2014]. ~~Sec. 5. The board shall designate an employee in the small business division to be the small business ombudsman. The small business ombudsman serves at the pleasure of the board. The corporation shall provide staff support to the small business ombudsman. The small business ombudsman shall carry out the following duties:~~

~~(1) Work with state agencies to permit increased enforcement flexibility and the ability to grant common sense exemptions for first time offenders of state rules and policies, including, notwithstanding any other law, policies for the compromise of interest and penalties related to a listed tax (as defined in IC 6-8.1-1-1) and other taxes and fees collected or administered by a state agency.~~

~~(2) Work with state agencies to seek ways to consolidate forms and eliminate the duplication of paperwork, harmonize data, and coordinate due dates.~~

~~(3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform cost benefit analyses.~~

~~(4) Work with state agencies to monitor any outdated, ineffective, or overly burdensome information requests from state agencies to small businesses.~~

~~(5) Carry out the duties specified under IC 4-22-2-28 and IC 4-22-2.1 to review proposed rules and participate in rulemaking actions that affect small businesses.~~

~~(6) Coordinate with the ombudsmen designated under IC 13-28-3-2 and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under IC 4-22-2-28.1 and IC 13-28-3.~~

~~(7) Prepare written and electronic information for periodic distribution to small businesses describing the small business services provided by coordinators (as defined in IC 4-3-22-16) and work with the office of technology established by IC 4-13.1-2-1 to place information concerning the availability of these services on state Internet web sites that the small business ombudsman or a state agency determines are most likely to be visited by small business owners and managers.~~

~~(8) Assist in training agency coordinators that will be assigned to rules under IC 4-22-2-28.1(e).~~

~~(9) Investigate and attempt to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.~~

~~State agencies shall cooperate with the small business ombudsman to carry out the purpose of this section. The department of state revenue and the department of workforce development shall establish a program to distribute the information described in subdivision (7) to small businesses that are required to file returns or information with these state agencies.~~

SECTION 15. IC 5-28-35 IS REPEALED [EFFECTIVE MAY 1, 2014]. (Young Entrepreneurs Program).

SECTION 16. IC 35-51-4-1, AS AMENDED BY P.L.158-2013,

SECTION 673, AND AS AMENDED BY P.L.221-2013, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 4:

IC 4-1-10-8 (Concerning state agencies).
IC 4-1-10-9 (Concerning state agencies).
IC 4-2-7-8 (Concerning the inspector general).
~~IC 4-4-27-8 (Concerning the inspection of grain).~~
IC 4-13.6-4-14 (Concerning state public works).
IC 4-21.5-3-36 (Concerning administrative proceedings).
IC 4-21.5-3-37 (Concerning administrative proceedings).
IC 4-30-3-19 (Concerning the lottery).
IC 4-30-3-19.5 (Concerning the lottery).
IC 4-30-3-19.7 (Concerning the lottery).
IC 4-30-12-5 (Concerning the lottery).
IC 4-30-13-1 (Concerning the lottery).
IC 4-30-14-1 (Concerning the lottery).
IC 4-30-14-2 (Concerning the lottery).
IC 4-30-14-3 (Concerning the lottery).
IC 4-30-14-4 (Concerning the lottery).
IC 4-30-14-5 (Concerning ~~*horse racing).*~~ *the lottery)*.
IC 4-30-14-6 (Concerning the lottery).
IC 4-31-7-9 (Concerning horse racing).
IC 4-31-13-3 (Concerning horse racing).
IC 4-31-13-3.5 (Concerning horse racing).
IC 4-31-13-9 (Concerning horse racing).
IC 4-32.2-8-4 (Concerning charity gaming).
IC 4-33-10-1 (Concerning riverboat gambling).
IC 4-33-10-2 (Concerning riverboat gambling).
IC 4-33-10-2.1 (Concerning riverboat gambling).
IC 4-33-10-2.5 (Concerning riverboat gambling).
IC 4-33-10-6 (Concerning riverboat gambling).
IC 4-33-22-14 (Concerning boxing and mixed martial arts).
IC 4-33-22-40 (Concerning boxing and mixed martial arts).
IC 4-35-9-2 (Concerning gambling games at racetracks).
~~*IC 4-35-9-3 (Concerning gambling games at racetracks).*~~
IC 4-35-9-4 (Concerning gambling games at racetracks).
IC 4-35-9-5 (Concerning gambling games at racetracks).

IC 4-35-9-6 (Concerning gambling games at racetracks).

IC 4-36-6-5 (Concerning gambling in certain establishments).

SECTION 17. [EFFECTIVE MAY 1, 2014] **(a) As used in this SECTION, "corporation" means the Indiana economic development corporation.**

(b) As used in this SECTION, "office" means the office of small business and entrepreneurship.

(c) On May 1, 2014, all powers, duties, agreements, and liabilities of the corporation relating to the Indiana small business development center and the young entrepreneurs program are transferred to the office.

(d) On May 1, 2014, all records and property, including appropriations and other funds, under the control of the corporation relating to the Indiana small business development center and the young entrepreneurs program are transferred to the office.

(e) After April 30, 2014, any amounts owed to the corporation before May 1, 2014, with respect to the Indiana small business development center and the young entrepreneurs program are considered amounts owed to the office.

(f) After April 30, 2014, a reference to the corporation with respect to the Indiana small business development center and the young entrepreneurs program in any statute, rule, or other document is considered a reference to the office.

(g) Not later than June 30, 2014, any money in the livestock industry promotion and development fund established under IC 4-4-3.2-3 shall be transferred to the livestock industry promotion and development fund established under IC 15-11-5-4. Money transferred under this subsection is appropriated for the purposes of IC 15-11-5. All records of the program operated under IC 4-4-3.2 shall be transferred to the department of agriculture.

(h) Not later than June 30, 2014, any money in the livestock export facility administration fund established under IC 4-4-3.3-7 shall be transferred to the state general fund. All records of the program operated under IC 4-4-3.3 shall be transferred to the director of the department of agriculture.

(i) Not later than June 30, 2014, any money in the community development fund established under IC 4-4-15-2 shall be transferred to the state general fund. The lieutenant governor shall

retain the records of the program operated under IC 4-4-15 in accordance with the requirements of IC 5-15-5.1-10.

(j) This SECTION expires January 1, 2015.

SECTION 18. **An emergency is declared for this act.**

P.L.188-2014

[H.1336. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-19-7-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. (a) For purposes of this section, "EMS" means emergency medical services.**

(b) For purposes of this section, "state EMS medical director" refers to the state emergency medical services medical director appointed under subsection (c).

(c) The executive director shall appoint an individual to serve as the state emergency medical services medical director. The individual must have the following qualifications:

(1) Thorough knowledge of state EMS laws and administrative rules and regulations.

(2) At least five (5) years experience in the following:

(A) Medical direction of out of hospital EMS.

(B) Emergency department treatment of acutely ill and injured patients.

(3) Significant experience and familiarity with the following:

(A) The design and operation of statewide EMS systems.

(B) Working with national and other state EMS committees.

(4) At the time of the individual's appointment, has a valid

and unrestricted license to practice medicine in Indiana.

(5) Be certified by the American Board of Emergency Medicine.

(6) Other areas of knowledge and expertise that the executive director determines essential.

The state EMS medical director shall be an employee of the department.

(d) The executive director shall submit the name of the individual whom the executive director would like to appoint as state EMS medical director to the Indiana emergency medical services commission created by IC 16-31-2-1. The commission may, by a majority of the members, vote not later than thirty (30) days after the submission on whether to approve the appointment. If the commission:

(1) does not take any action; or

(2) by a majority of the commission votes to approve the appointment of the individual;

not later than thirty (30) days after, the appointment shall become effective. If a majority of the commission votes not later than thirty (30) days after the submission of the appointment to not approve the appointment, the executive director shall restart the appointment process and submit an alternative individual for appointment.

(e) The state EMS medical director shall oversee all pre-hospital aspects of the statewide EMS system, including the following:

(1) Medical components for systems of care that interface or integrate with the statewide EMS system, including the following:

(A) Statewide planning for trauma, burn, cardiac, and stroke care.

(B) Domestic preparedness.

(C) EMS for children.

(2) For all levels of emergency responders, establishment of the following:

(A) Statewide model guidelines and best practices for all patient care activities to ensure delivery of medical care consistent with professionally recognized standards.

(B) A statewide EMS continuous quality improvement program.

(C) A statewide EMS advocacy program.

(3) In cooperation with appropriate state and local agencies, training and certification of all EMS providers.

(f) The state EMS medical director shall assist the executive director on all issues related to statewide EMS, including the following:

(1) Consulting with EMS medical directors.

(2) In consultation with the Indiana emergency medical services commission created by IC 16-31-2-1, providing guidance and assistance on the following matters:

(A) Scope of practice for EMS providers.

(B) Restrictions placed on EMS certifications.

(C) Appropriate corrective and disciplinary actions for EMS personnel.

(D) Education and training on emerging issues in EMS.

(3) EMS system research.

(4) Coordination of all medical activities for disaster planning and response.

(5) Improving quality of care, research, and injury prevention programs.

SECTION 2. IC 16-31-2-8, AS AMENDED BY P.L.77-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The commission may do the following:

(1) Develop training and certification standards for emergency medical responders under this article.

(2) Require emergency medical responders to be certified under the standards developed under subdivision (1).

(3) Develop reciprocal certification training standards for individuals who have received medical training by a branch of the United States armed forces.

(4) Not later than thirty (30) days after the executive director of the department of homeland security submits an appointment for state emergency medical services medical director to the commission, vote concerning whether to approve the appointment in accordance with IC 10-19-7-5(d). If the commission votes on the appointment in accordance with IC 10-19-7-5(d), a vote by a majority of the members of the commission is necessary under this subdivision in order to approve or not approve the appointment.

P.L.189-2014
[H.1378. Approved March 26, 2014.]

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

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

SECTION 1. IC 2-5-33.4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) During the legislative interim in 2014, the state police department shall make a report to the committee, or another appropriate study committee as determined by the legislative council, concerning familial DNA searches in criminal investigations. The report must include:**

(1) an analysis of the laws, policies, and procedures of other states concerning familial DNA in criminal investigations;

(2) a recommendation on whether or not the committee should propose legislation concerning familial DNA in criminal investigations; and

(3) if the state police department recommends legislation, recommendations regarding:

(A) the appropriate safeguards to ensure scientific accuracy; and

(B) confidentiality standards;

for familial DNA searches.

(b) This section expires December 31, 2014.

SECTION 2. **An emergency is declared for this act.**

P.L.190-2014
[H.1380. Approved March 26, 2014.]

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

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

SECTION 1. IC 4-10-23-5, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 5. As used in this chapter, "gross retail base period amount" means the aggregate amount of state gross retail and use taxes remitted under IC 6-2.5 by a taxpayer **during the full calendar year of 2012** with respect to its operations in a district. ~~during the full state fiscal year that precedes the date on which the commission adopts a resolution designating the district.~~

SECTION 2. IC 4-10-23-6, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 6. As used in this chapter, "gross retail incremental amount" means the remainder of:

(1) the aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by a taxpayer **during a calendar year** with respect to its operations in a district; ~~during a state fiscal year;~~ minus

(2) the gross retail base period amount.

SECTION 3. IC 4-10-23-7, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 7. As used in this chapter, "income tax base period amount" means the aggregate amount of state adjusted gross income taxes paid **or remitted** by or on behalf of a taxpayer **during the calendar year of 2012** with respect to income earned or attributable to the taxpayer's activities in the district. ~~for the state fiscal year that precedes the date on which the commission adopts a resolution designating the district.~~

SECTION 4. IC 4-10-23-8, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 8. As used in this chapter, "income tax incremental amount" means the remainder of:

(1) the aggregate amount of state adjusted gross income taxes paid **or remitted during a calendar year** with respect to income earned or attributable to the taxpayer's activities in the district; minus

(2) the income tax base period amount.

SECTION 5. IC 4-10-23-10, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 10. (a) Before the first business day in October of each year, the department of state revenue shall calculate the income tax incremental amount and the gross retail incremental amount for the preceding ~~state fiscal~~ **calendar** year for the district.

(b) Businesses operating in the district shall report, in the manner and in the form prescribed by the department of state revenue, information that the department determines necessary to calculate incremental gross retail, use, and income taxes.

(c) It is the intent of this section to identify all sales, use, and income taxes of all taxpayers that are apportionable to the taxpayer's activities in the district. This section shall be broadly construed by the department of state revenue in order to achieve the purposes of IC 5-1-17.5.

SECTION 6. IC 4-10-23-11, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 11. Before the first business day in November of each year, the department of state revenue shall determine the sum of the following amounts for the preceding ~~state fiscal~~ **calendar** year for the district:

(1) The income tax incremental amount.

(2) The gross retail incremental amount.

(3) The amount of admissions fees deposited in the state general fund under IC 6-8-14.

SECTION 7. IC 4-10-23-12, AS ADDED BY P.L.233-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 12. The department of state

revenue shall **annually** notify the Indiana finance authority, the commission, the budget agency, and the owner or owners of a qualified motorsports facility of **the sum of:**

(1) the amount determined under section 11 of this chapter; **and**

(2) the amount reverted to the state general fund from the motorsports facility fund established under IC 5-1-17.5-30.5;

which ~~amount~~ **sum** shall be credited to the obligations of the owner or owners of a qualified motorsports facility in accordance with the provisions of IC 5-1-17.5.

SECTION 8. IC 5-1-17.5-30.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: **Sec. 30.5. (a) If a motorsports investment district is established under this chapter, the commission shall establish a motorsports facility fund for the motorsports investment district.**

(b) During the term of the written agreement entered into by:

(1) the owner or owners of the qualified motorsports facility;

(2) the authority; and

(3) the commission;

the commission shall, in each state fiscal year, deposit in the motorsports facility fund two million dollars ($2,000,000) solely from payments established under section 37(f)(1) of this chapter.

(c) Subject to subsection (d), the commission shall request that the general assembly make an appropriation to the commission in each state fiscal year in which the written agreement described in subsection (b) is in effect. The amount of the requested appropriation must be equal to the amount that the commission is required to deposit into the motorsports facility fund under subsection (b) for that state fiscal year. An appropriation made to the commission under this subsection:

(1) must be deposited in the motorsports investment district fund established under section 30 of this chapter; and

(2) is in addition to an amount appropriated under section 30 of this chapter.

(d) The commission may not request an appropriation under subsection (c) after the earlier of:

(1) the date specified in section 30(c)(1) of this chapter; or

(2) the date specified in section 30(c)(2) of this chapter.

(e) Money in the motorsports facility fund reverts to the state general fund on June 30 of each year.

SECTION 9. IC 5-1-17.5-37, AS ADDED BY P.L.233-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2013 (RETROACTIVE)]: Sec. 37. (a) Subject to subsection (f), the authority may issue bonds for the purpose of obtaining money to pay the cost of improving, constructing, reconstructing, renovating, acquiring, or equipping improvements within a qualified motorsports facility.

(b) The terms and form of the bonds must be set out either in the resolution or in a form of trust indenture approved by the resolution.

(c) The bonds must mature within twenty (20) years.

(d) The authority shall sell the bonds at public or private sale upon the terms determined by the authority.

(e) All money received from any bonds issued under this chapter shall be applied to the payment of the cost of improving, constructing, reconstructing, renovating, acquiring, or equipping improvements within a qualified motorsports facility, or payment of the cost of refunding or refinancing outstanding bonds for which the bonds are issued. The cost may include:

(1) planning and development of the improvement and all buildings, facilities, structures, and improvements related to the improvement;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the capital improvement suitable for use and operations;

(4) architectural, engineering, consultant, and attorney's fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction;

(8) financial advisory fees;

(9) insurance during construction;

(10) bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and

(11) in the case of refunding or refinancing, payment of the

principal of, redemption premiums (if any) for, and interest on the bonds being refunded or refinanced.

(f) The authority may not issue bonds under this chapter unless:

(1) the owner or owners of the qualified motorsports facility, the authority, and the commission have entered into a written agreement concerning the terms of the financing of the improvements financed under this chapter, including the obligation of the owner or owners of the qualified motorsports facility to make payments in an amount equal to at least two million dollars ($2,000,000) in each state fiscal year to the commission for deposit in the motorsports ~~investment~~ **facility** fund during the term of the agreement;

(2) in connection with the issuance of such bonds, the authority has leased the equipment, structures, and capital improvements being financed with the proceeds of the bonds to the commission under a lease under section 32 of this chapter, and the commission has entered into a sublease of such equipment, structures, and capital improvements with the owner or owners of the qualified motorsports facility. Such a sublease must include the terms described in sections 34(c) and 36(c) of this chapter; and

(3) as part of the written agreement concerning the terms of the financing of the improvements, the ultimate parent company of the qualified motorsports facility:

(A) guarantees the full and timely performance of all of the duties, responsibilities, and obligations of the qualified motorsports facility and the owner or owners of the qualified motorsports facility; and

(B) guarantees that if:

(i) the aggregate amount credited to the owner or owners of the qualified motorsports facility under IC 4-10-23-12 from income tax incremental amounts, gross retail incremental amounts, and admissions fees deposited in the state general fund under IC 6-8-14 during the thirty (30) years after the date of the adoption of the resolution establishing the motorsports improvement district; **plus**

(ii) the amounts deposited in the motorsports facility fund established under section 30.5 of this chapter;

is less than the aggregate of the amount of money appropriated to the commission and used to pay rent by the commission to the authority under any lease entered into between the authority and the commission under this chapter and any expenses that are incurred by the authority or the commission under this chapter and are not paid out of such rent, then the ultimate parent company will pay the difference to the commission.

(g) Each bond issued under this chapter must contain on its face a statement that neither the faith and credit nor the taxing power of the state is pledged to the payment of the principal of or the interest on the bond.

(h) In connection with the issuance of each series of bonds under this section, the authority (or its successor agency) and the public finance director shall be responsible for selecting all investment bankers, bond counsel, trustees, and financial advisors.

SECTION 10. IC 5-22-5-8, AS AMENDED BY P.L.148-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) This section does not apply to a political subdivision, except a school corporation (as defined in IC 20-18-2-16(a)).

(b) As used in this section, "blended biodiesel" ~~has the meaning set forth in IC 6-3.1-27-2.~~ **refers to a blend of biodiesel with petroleum diesel so that the percentage of biodiesel in the blend is at least two percent (2%) (B2 or greater). The term does not include biodiesel (B100).**

(c) As used in this section, "diesel fueled vehicle" refers to a vehicle that is capable of using diesel to fuel its primary motor.

(d) As used in this section, "ethanol" means agriculturally derived ethyl alcohol.

(e) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103.

(f) As used in this section, "gasoline fueled vehicle" refers to a vehicle that is capable of using gasoline to fuel its primary motor.

(g) As used in this section "mid-level blend fuel" means a fuel blend consisting of:

(1) at least twenty percent (20%) but not more than seventy-three percent (73%) ethanol; and

(2) gasoline as the balance.

(h) As used in this section, "vehicle" includes the following:

(1) An automobile.

(2) A truck.

(3) A tractor.

(i) Except as provided by subsections (k) and (l), a governmental body shall whenever possible purchase mid-level blend fuel or E85 to fuel the gasoline fueled vehicles owned or operated by the governmental body.

(j) Except as provided by subsections (k) and (l), a governmental body shall whenever possible purchase blended biodiesel fuel to fuel the diesel fueled vehicles owned or operated by the governmental body.

(k) The following vehicles are exempt from the requirements of subsections (i) and (j):

(1) A vehicle that is leased by the governmental body for thirty (30) days or less.

(2) A vehicle that:

(A) is primarily powered by an electric motor; or

(B) can use only propane, compressed or liquified natural gas, or methanol as its fuel source.

(l) The following vehicles are exempt from the requirements of subsection (i) or (j), whichever is appropriate:

(1) A gasoline fueled vehicle in which the use of mid-level blend fuel or E85 has not been approved by the manufacturer.

(2) A diesel fueled vehicle in which the use of blended biodiesel fuel has not been approved by the manufacturer.

(3) A gasoline fueled vehicle in which the use of mid-level blend fuel is prohibited by the federal Clean Air Act (42 U.S.C. 7401 et seq.).

SECTION 11. IC 5-28-6-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. (a) The general assembly declares that the opportunity for the participation of underutilized small businesses, especially women and minority business enterprises, in the biodiesel and ethanol production industries is essential if social and economic parity is to be obtained by women and minority business persons and if the economy of Indiana is to be stimulated as contemplated by this section, IC 6-3.1-27, and IC 6-3.1-28. A recipient of a credit under this chapter is encouraged to purchase goods and services from underutilized small businesses, especially women and minority~~

~~business enterprises.~~

~~(b) The definitions in IC 6-3.1-27 and IC 6-3.1-28 apply throughout this section. A term used in this section that is defined in both IC 6-3.1-27 and IC 6-3.1-28 refers to the term as defined in:~~

~~(1) IC 6-3.1-27 whenever this section applies to the certification of a person for a credit under IC 6-3.1-27; and~~

~~(2) IC 6-3.1-28 whenever this section applies to the certification of a person for a credit under IC 6-3.1-28.~~

~~In addition, as used in this section, "person" refers to a taxpayer or a pass through entity.~~

~~(c) As used in this section, "minority" means a member of a minority group (as defined in IC 4-13-16.5-1).~~

~~(d) As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.~~

~~(e) As used in this section, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.~~

~~(f) A person that:~~

~~(1) begins construction of a facility or an expansion of a facility for the production of biodiesel, blended biodiesel, or ethanol in Indiana after February 28, 2005; and~~

~~(2) wishes to claim a tax credit with respect to that facility or the expansion of a facility under any combination of IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-7;~~

~~must apply to the corporation for a determination of the person's eligibility for the tax credit.~~

~~(g) Subject to this section, the corporation shall issue to each qualifying applicant a certification that:~~

~~(1) certifies the person as eligible for the tax credits for which the person applied;~~

~~(2) identifies the facilities covered by the certification; and~~

~~(3) allocates to the person a credit under IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-11.~~

~~(h) To qualify for certification under subsection (g), a person must do the following:~~

~~(1) Submit an application for the credit on the forms and in the manner prescribed by the corporation for the credit that is the subject of the application.~~

~~(2) Demonstrate through a business plan and other information~~

~~presented to the corporation that the level of production proposed by the person is feasible and economically viable. In making a determination under this subdivision, the corporation shall consider:~~

~~(A) whether the person is sufficiently capitalized to complete the project;~~

~~(B) the person's credit rating;~~

~~(C) whether the person has sufficient technical expertise to build and operate a facility; and~~

~~(D) other relevant financial information as determined by the corporation.~~

~~(i) The corporation shall record the time of filing of each application submitted under this section. The corporation shall grant certifications under this section to qualifying applicants in the chronological order in which the applications for the same type of credit are filed until the maximum allowable credit for that type of credit is fully allocated.~~

~~(j) The corporation may terminate a certification or reduce an allocation of a credit granted under this section only if the corporation determines, after a hearing, that the person granted the certification or allocation has failed to:~~

~~(1) substantially comply with the business plan that is the basis for the certification or allocation; or~~

~~(2) submit the information needed by the corporation to determine whether the person has substantially complied with the business plan that is the basis of the certification or allocation.~~

~~If an allocation of a credit is terminated or reduced, the unused credit becomes available for allocation to other qualifying applicants in the chronological order in which the applications for the same type of credit are filed until the maximum allowable credit for that type of credit is fully allocated. The corporation may approve an amendment to a business plan or a transfer of a certificate of eligibility in conformity with the terms and conditions specified by the corporation in rules adopted by the corporation under IC 4-22-2.~~

~~(k) The corporation shall give the department of state revenue written notice of each action taken under this section.~~

SECTION 12. IC 5-28-28-4, AS AMENDED BY P.L.288-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. As used in this chapter, "tax credit" means

a state tax liability credit under any of the following:

(1) IC 6-3.1-7.

(2) IC 6-3.1-13.

(3) IC 6-3.1-26.

~~(4) IC 6-3.1-27.~~

~~(5) IC 6-3.1-28.~~

~~(6)~~ **(4)** IC 6-3.1-30.

~~(7)~~ **(5)** IC 6-3.1-31.9.

~~(8) IC 6-3.1-33.~~

SECTION 13. IC 6-3-2-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 2.1. (a) This section applies only to taxable years beginning after December 31, 2013.**

(b) The following definitions apply throughout this section:

(1) "Qualified logistics services" means the provision of the warehousing, management, distribution, transportation, or other services on behalf of an unrelated party with respect to, but without taking title to, the qualified property of the unrelated party.

(2) "Qualified property" means legend drugs (as defined in IC 16-18-2-199), devices (as defined in IC 16-18-2-94), or medical supplies.

(3) "Qualified third party logistics provider" means an entity that:

(A) is licensed under IC 25-26-14;

(B) is certified by the Indiana economic development corporation under subsection (d); and

(C) provides qualified logistics services.

(4) "Unrelated party" means an entity that, with respect to a qualified third party logistics provider:

(A) is not a member of the same affiliated group within the meaning of IC 6-3-2-20(a)(1);

(B) is not related within the meaning of Section 267 of the Internal Revenue Code; and

(C) is not related within the meaning of Section 707(b) of the Internal Revenue Code.

(c) Notwithstanding any other provision of this article, with respect to an entity that has contracted with a qualified third party

logistics provider for qualified logistics services, the:

(1) ownership or leasing by that entity of tangible or intangible property located at the Indiana premises of the qualified third party logistics provider;

(2) sale by that entity of qualified property shipped or distributed from the Indiana premises of the qualified third party logistics provider;

(3) activities of any kind performed by or on behalf of that entity at the Indiana premises of the qualified third party logistics provider; and

(4) activities performed by the qualified third party logistics provider in Indiana for or on behalf of that entity;

shall not cause that entity to have adjusted gross income derived from sources within Indiana for purposes of the taxes imposed by this chapter, unless that entity engages in other activities in Indiana away from the premises of the qualified third party logistics provider that exceed the protection of 15 U.S.C. 381.

(d) The Indiana economic development corporation shall develop and administer a program through which it certifies logistics providers as qualified third party logistics providers.

(e) This section expires January 1, 2016.

SECTION 14. IC 6-3.1-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. Except as otherwise expressly provided, a taxpayer may carry forward any unused tax credit from a prior taxable year to a taxable year that begins after the repeal of the statute that provided the tax credit. However, any limits on:**

(1) the amount carried forward; or

(2) the number of years to which an unused tax credit may be carried forward;

apply to any part of a tax credit carried forward under this section as if the statute allowing the unused tax credit to be carried forward had not been repealed.

SECTION 15. IC 6-3.1-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. (a) As used in this section, "qualified taxpayer" means a taxpayer whose proposed costs to build or refurbish a riverboat are certified before January 1, 2015, as qualified investments under IC 6-3.1-17 (before its repeal) by the Indiana**

economic development corporation.

(b) A qualified taxpayer may claim a tax credit for the taxable year in which the qualified investment described in subsection (a) is made regardless of whether the qualified investment is made in a taxable year beginning after December 31, 2014, as if IC 6-3.1-17 had not been repealed.

(c) To receive the credit allowed under this section, a qualified taxpayer must claim the credit on the qualified taxpayer's state tax return or returns in the manner prescribed by the department. The qualified taxpayer shall submit to the department the certification of credit by the Indiana economic development corporation, proof of payment of the certified qualified investment, and all information that the department determines is necessary for the calculation of the credit provided under IC 6-3.1-17 (before its repeal) and for the determination of whether an investment cost is a qualified investment cost.

(d) The amount of tax credits allowed under this section may not exceed one million dollars ($1,000,000) in a state fiscal year.

(e) The department shall record the time of filing of each application for allowance of a credit under subsection (c) and shall approve the applications, if they otherwise qualify for a tax credit under IC 6-3.1-17 (before its repeal), in the chronological order in which the applications are filed in the state fiscal year.

(f) When the total credits approved under this section equal the maximum amount allowable in a state fiscal year, no application thereafter filed for that same fiscal year shall be approved. However, if an applicant for whom a credit has been approved fails to file the statement of proof of payment required under subsection (c), an amount equal to the credit previously allowed or set aside for the applicant may be allowed to any subsequent applicant in the year. In addition, the department may, if the applicant so requests, approve a credit application, in whole or in part, with respect to the next succeeding state fiscal year.

SECTION 16. IC 6-3.1-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Prison Investment Credits).

SECTION 17. IC 6-3.1-17 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Indiana Riverboat Building Credit).

SECTION 18. IC 6-3.1-23 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Voluntary Remediation Tax Credit).

SECTION 19. IC 6-3.1-27 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Blended Biodiesel Tax Credits).

SECTION 20. IC 6-3.1-28 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Ethanol Production Tax Credit).

SECTION 21. IC 6-3.1-31.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Energy Savings Tax Credit).

SECTION 22. IC 6-3.1-33 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (New Employer Tax Credit).

SECTION 23. IC 6-3.5-7-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.1. (a) This section applies to a taxable year beginning after December 31, 2014.**

(b) Except as provided in subsection (c), if for a particular taxable year a county taxpayer is liable for an income tax imposed by a county, city, town, or other local governmental entity located outside Indiana, that county taxpayer is entitled to a credit against the county taxpayer's county economic development income tax liability for that same taxable year. The amount of the credit equals the amount of tax imposed by the other governmental entity on income derived from sources outside Indiana and subject to the county economic development income tax. However, the credit provided by this section may not reduce a county taxpayer's economic development income tax liability to an amount less than would have been owed if the income subject to taxation by the other governmental entity had been ignored.

(c) The credit provided by this section does not apply to a county taxpayer to the extent that the other governmental entity described in subsection (b) provides for a credit to the taxpayer for the amount of county economic development income taxes owed under this chapter.

(d) To claim the credit provided by this section, a county taxpayer must provide the department with satisfactory evidence that the county taxpayer is entitled to the credit.

SECTION 24. IC 6-6-2.5-28, AS AMENDED BY P.L.277-2013, SECTION 10, AND AS AMENDED BY P.L.158-2013, SECTION 95, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. (a) A license tax of sixteen cents ($0.16) per:

(1) gallon;

(2) diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the case of a special fuel that is liquid natural gas; or

(3) gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in the case of a special fuel that is compressed natural gas; ~~*or a fuel commonly or commercially known or sold as butane or propane;*~~

is imposed on all special fuel sold or used in producing or generating power for propelling motor vehicles except fuel used under section 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in the manner, and by those persons specified in this section and section 35 of this chapter.

(b) The department shall consider it a rebuttable presumption that all undyed or unmarked special fuel, or both, received in Indiana is to be sold for use in propelling motor vehicles.

(c) Except as provided in subsection (d), the tax imposed on special fuel by subsection (a) shall be measured by invoiced gallons *(or diesel or gasoline gallon equivalents in the case of a special fuel described in subsection (a)(2) or (a)(3))* of nonexempt special fuel received by a licensed supplier in Indiana for sale or resale in Indiana or with respect to special fuel subject to a tax precollection agreement under section 35(d) of this chapter, such special fuel removed by a licensed supplier from a terminal outside of Indiana for sale for export or for export to Indiana and in any case shall generally be determined in the same manner as the tax imposed by Section 4081 of the Internal Revenue Code and Code of Federal Regulations.

(d) The tax imposed by subsection (a) on special fuel imported into Indiana, other than into a terminal, is imposed at the time the product is entered into Indiana and shall be measured by invoiced gallons received at a terminal or at a bulk plant.

(e) In computing the tax, all special fuel in process of transfer from tank steamers at boat terminal transfers and held in storage pending wholesale bulk distribution by land transportation, or in tanks and equipment used in receiving and storing special fuel from interstate pipelines pending wholesale bulk reshipment, shall not be subject to tax.

(f) The department shall consider it a rebuttable presumption that special fuel consumed in a motor vehicle plated for general highway use is subject to the tax imposed under this chapter. A person claiming

exempt use of special fuel in such a vehicle must maintain adequate records as required by the department to document the vehicle's taxable and exempt use.

(g) A person that engages in blending fuel for taxable sale or use in Indiana is primarily liable for the collection and remittance of the tax imposed under subsection (a). The person shall remit the tax due in conjunction with the filing of a monthly report in the form prescribed by the department.

(h) A person that receives special fuel that has been blended for taxable sale or use in Indiana is secondarily liable to the state for the tax imposed under subsection (a).

(i) A person may not use special fuel on an Indiana public highway if the special fuel contains a sulfur content that exceeds five one-hundredths of one percent (0.05%). A person who knowingly:

(1) violates; or

(2) aids or abets another person to violate;

this subsection commits a Class A infraction. However, the violation is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a ~~*Class D*~~ *Level 6 felony* if the person has committed more than one (1) unrelated violation of this subsection.

SECTION 25. IC 6-8.1-4-4, AS AMENDED BY P.L.176-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The department shall establish a registration center to service owners of commercial motor vehicles.

(b) The registration center is under the supervision of the department through the motor carrier services division.

(c) An owner or operator of a commercial motor vehicle may apply to the registration center for the following:

(1) Vehicle registration (IC 9-18).

(2) Motor carrier fuel tax annual permit.

(3) Proportional use credit certificate (IC 6-6-4.1-4.7).

(4) Certificate of operating authority.

(5) Oversize vehicle permit (IC 9-20-3).

(6) Overweight vehicle permit (IC 9-20-4).

(7) Payment of the commercial vehicle excise tax imposed under IC 6-6-5.5.

(d) The commissioner may deny an application described in

subsection (c) if the applicant fails to do any of the following with respect to a listed tax:

(1) File all tax returns or information reports.

(2) Pay all taxes, penalties, and interest.

(e) The commissioner may:

(1) deny an application for an oversize vehicle permit, an overweight vehicle permit, or a single oversize-overweight permit; or

(2) suspend any permit issued to a person;

if the applicant or permit holder is delinquent in paying escort fees to the state police department.

~~(e)~~ **(f)** The commissioner may suspend or revoke any registration, permit, certificate, or authority if the person to whom the registration, permit, certificate, or authority is issued fails to do any of the following with respect to a listed tax:

(1) File all tax returns or information reports.

(2) Pay all taxes, penalties, and interest.

~~(f)~~ **(g)** Funding for the development and operation of the registration center shall be taken from the motor carrier regulation fund (IC 8-2.1-23-1).

~~(g)~~ **(h)** The department shall recommend to the general assembly other functions that the registration center may perform.

SECTION 26. IC 6-8.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) **This subsection does not apply to a person's Indiana adjusted gross income tax return or a person's financial institutions tax return.** If a person responsible for filing a tax return is unable to file the return by the appropriate due date, ~~he~~ **the person** may petition the department, before that due date, for a filing extension. ~~The person must include with the petition a payment of at least ninety percent (90%) of the tax that is reasonably expected to be due on the due date.~~ When the department receives the petition, ~~and the payment,~~ the department shall grant the person a sixty (60) day extension.

(b) If a person responsible for filing a tax return has received an extension of the due date and is still unable to file the return by the extended due date, ~~he~~ **the person** may petition the department for another extension. The person must include in the petition a statement of the reasons for ~~his~~ **the person's** inability to file the return by the due

date. If the department finds that the person's petition is proper and that the person has good cause for requesting the extension, the department may extend the person's due date for any period that the department deems reasonable under the circumstances. The department may allow additional, successive extensions if the person properly petitions for the extension before the end of ~~his~~ **the person's** current extension period.

(c) **The following apply only to a person's Indiana adjusted gross income tax return or a person's financial institutions tax return:**

(1) If the Internal Revenue Service allows a person an extension on ~~his~~ **the person's** federal income tax return, the corresponding due dates for the person's Indiana income tax returns are automatically extended for the same period as the federal extension, plus thirty (30) days.

(2) If a person petitions the department for a filing extension for the person's Indiana adjusted gross income tax return or financial institutions tax return without obtaining an extension for filing the person's federal income tax return, the department shall extend the person's due date for the person's Indiana adjusted gross income tax return or financial institutions tax return for the same period that the person would have been allowed under subdivision (1) if the person had been granted an extension by the Internal Revenue Service.

(d) A person submitting a petition for an extension under this section is not required to include any payment of tax with the petition. However, ~~the~~ **a** person **obtaining an extension under this section** must pay at least ninety percent (90%) of the ~~Indiana income~~ tax that is reasonably expected to be due on the original due date by that due date, or ~~he~~ **the person** may be subject to the penalties imposed for failure to pay the tax.

~~(d)~~ **(e)** Any tax that remains unpaid during an extension period accrues interest at a rate established under IC 6-8.1-10-1 from the original due date, but that tax will not accrue any late payment penalties until the extension period has ended. **Any penalties must be determined based on the amount of tax not paid on or before the end of the extension period after application of payments provided under IC 6-8.1-8-1.5 and determined as of the deadline of the**

extension period.

SECTION 27. IC 6-9-2-4, AS AMENDED BY P.L.172-2011, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The bureau may:

(1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the bureau considers necessary and desirable;

(2) sue and be sued;

(3) enter into contracts and agreements;

(4) make rules necessary for the conduct of its business and the accomplishment of its purposes;

(5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);

(6) after its approval of a proposal, transfer money from any fund established by the bureau, the promotion fund, or the alternate revenue fund to any Indiana nonprofit corporation to promote and encourage conventions, trade shows, visitors, or special events in the county;

(7) require financial or other reports from any corporation that receives funds under this chapter;

(8) enter into leases under IC 36-1-10 for the construction, acquisition, and equipping of a visitor center; and

(9) exercise the power of eminent domain to acquire property to promote and encourage conventions, trade shows, special events, recreation, and visitors within the county.

(b) All expenses of the bureau shall be paid from funds established by the bureau. Before December 20 of each year, the bureau shall prepare a budget for expenditures during the following year, taking into consideration the recommendations made by a corporation qualified under subsection (a)(6) A budget prepared under this section must be:

(1) submitted to the department of local government finance;

(2) published on the department's interactive and searchable Internet web site containing local government information (the Indiana gateway for governmental units); and

(3) placed on file with the county auditor.

(c) All money in the bureau's funds shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money in

the bureau's funds are subject to audit and supervision by the state board of accounts.

SECTION 28. IC 6-9-2.5-7.5, AS AMENDED BY P.L.176-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) The county treasurer shall establish a tourism capital improvement fund.

(b) The county treasurer shall deposit money in the tourism capital improvement fund as follows:

(1) Before January 1, ~~2015,~~ **2020,** the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a three and one-half percent (3.5%) rate.

(2) After December 31, ~~2014,~~ **2019,** the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a four and one-half percent (4.5%) rate.

(c) The commission may transfer money in the tourism capital improvement fund to:

(1) the county government, a city government, or a separate body corporate and politic in a county described in section 1 of this chapter; or

(2) any Indiana nonprofit corporation;

for the purpose of making capital improvements in the county that promote conventions, tourism, or recreation. The commission may transfer money under this section only after approving the transfer. Transfers shall be made quarterly or less frequently under this section.

SECTION 29. IC 6-9-2.5-7.7, AS AMENDED BY P.L.176-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.7. (a) The county treasurer shall establish a convention center operating fund.

(b) Before January 1, ~~2015,~~ **2020,** the county treasurer shall deposit in the convention center operating fund the amount of money received under section 6 of this chapter that is generated by a two percent (2%) rate. Money in the fund must be expended for the operating expenses of a convention center.

(c) After December 31, ~~2014,~~ **2019,** the county treasurer shall deposit in the convention center operating fund the amount of money received under section 6 of this chapter that is generated by a one

percent (1%) rate. Money in the fund must be expended for the operating expenses of a convention center with the unused balance transferred on January 1 of each year to the tourism capital improvement fund.

SECTION 30. IC 8-22-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) "Aviation related property or facilities" means those properties or facilities that are utilized by a lessee, or a lessee's assigns, who provides services or accommodations:

(1) for scheduled or unscheduled air carriers and air taxis, and their passengers, air cargo operations, and related ground transportation facilities;

(2) for fixed based operations;

(3) for general aviation or military users; and

(4) as aviation **manufacturing, assembly, research and development, or** maintenance and repair facilities.

(b) The term includes any property leased to the United States, or its agencies or instrumentalities, and any leased property identified as clear zones, ~~avigation~~ **aviation** easements, safety and transition areas, as defined by the Federal Aviation Administration.

SECTION 31. IC 9-29-5-42, AS AMENDED BY P.L.107-2008, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 42. (a) Except as provided in subsection ~~(c),~~ **(d),** vehicles not subject to IC 9-18-2-8 or IC 9-18-2-8.5 shall be registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

(1) Special machinery.

(2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection ~~(c),~~ **(d),** subsection (a), and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Except as provided in subsections (d) and (e), if the

department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration, the department of state revenue shall collect the full annual fee for vehicles in a commercial fleet registering with the department of state revenue, regardless of the date the vehicle is registered. Any vehicles registered with the department of state revenue under this subsection after the date designated for registration shall be registered at a rate determined in STEP THREE of subsection (e).

~~(c)~~ **(d)** Subject to subsection ~~(d),~~ **(e),** a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

~~(d)~~ **(e)** If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under IC 9-18-2-7 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

~~(e)~~ **(f)** A school bus subject to registration under IC 9-18-2-8.5 that is registered after January 31 for the prior calendar year shall be registered at one-half (1/2) the regular rate.

SECTION 32. IC 21-31-9-3, AS ADDED BY P.L.148-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) As used in this section, "blended

biodiesel" ~~has the meaning set forth in IC 6-3.1-27-2.~~ **refers to a blend of biodiesel with petroleum diesel so that the percentage of biodiesel in the blend is at least two percent (2%) (B2 or greater). The term does not include biodiesel (B100).**

(b) As used in this section, "diesel fueled vehicle" refers to a vehicle that is capable of using diesel to fuel its primary motor.

(c) As used in this section, "ethanol" means agriculturally derived ethyl alcohol.

(d) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103.

(e) As used in this section, "gasoline fueled vehicle" refers to a vehicle that is capable of using gasoline to fuel its primary motor.

(f) As used in this section, "mid-level blend fuel" means a fuel blend consisting of:

(1) at least twenty percent (20%) but not more than seventy-three percent (73%) ethanol; and

(2) gasoline as the balance.

(g) As used in this section, "vehicle" includes the following:

(1) An automobile.

(2) A truck.

(3) A tractor.

(h) Except as provided by subsections (j) and (k), a state educational institution shall whenever possible purchase mid-level blend fuel or E85 to fuel the gasoline fueled vehicles owned or operated by the state educational institution.

(i) Except as provided by subsections (j) and (k), a state educational institution shall whenever possible purchase blended biodiesel fuel to fuel the diesel fueled vehicles owned or operated by the state educational institution.

(j) The following vehicles are exempt from the requirements of subsections (h) and (i):

(1) A vehicle that is leased by the state educational institution for thirty (30) days or less.

(2) A vehicle that:

(A) is primarily powered by an electric motor; or

(B) can use only propane, compressed or liquified natural gas, or methanol as its fuel source.

(k) The following vehicles are exempt from the requirements of

subsection (h) or (i), whichever is appropriate:

(1) A gasoline fueled vehicle in which the use of mid-level blend fuel or E85 has not been approved by the manufacturer.

(2) A diesel fueled vehicle in which the use of blended biodiesel fuel has not been approved by the manufacturer.

(3) A gasoline fueled vehicle in which the use of mid-level blend fuel is prohibited by the federal Clean Air Act (42 U.S.C. 7401 et seq.).

SECTION 33. [EFFECTIVE JULY 1, 2014] **(a) This SECTION applies only to Washington Township in Hamilton County.**

(b) The department of local government finance shall increase the 2015 maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for Washington Township in Hamilton County by the lesser of the following amounts:

(1) The amount determined by recalculating the 2015 maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for Washington Township in Hamilton County by using the 2007 maximum permissible ad valorem property tax levy for the township and then increasing the 2007 maximum permissible ad valorem property tax levy by applying the cumulative effect of using the assessed value growth quotient applicable to the township for each year during the period 2008 through 2015.

(2) Eighty-five thousand dollars ($85,000).

(c) The 2015 maximum permissible ad valorem property tax levy for Washington Township in Hamilton County, as increased under this SECTION, shall also be used as the township's previous year maximum permissible ad valorem property tax levy for the determination under IC 6-1.1-18.5 of the township's 2016 maximum permissible ad valorem property tax levy.

(d) This SECTION expires January 1, 2017.

SECTION 34. [EFFECTIVE JULY 1, 2014] **(a) IC 8-22-1-4.5, as amended by this act, applies to property taxes imposed for an assessment date after December 31, 2014.**

(b) This SECTION expires January 1, 2017.

SECTION 35. [EFFECTIVE JULY 1, 2014] **(a) The legislative council is urged to assign the following topics for study during the 2014 legislative interim:**

(1) Whether the proceeds of the sale of a major county asset should be held in a nonreverting trust fund of the county such that the principal of the fund is never diminished.

(2) The issue of how to define the term "major county asset".

(3) Permissible uses of the interest of a trust fund described in subdivision (1).

(b) This SECTION expires December 31, 2014.

SECTION 36. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "office of the secretary" refers to the office of the secretary of family and social services established by IC 12-8-1.5-1.**

(b) As used in this SECTION, "government assistance income" means the sum of the value of all:

(1) cash;

(2) free services; or

(3) savings from reduced fees;

received by an Indiana resident whose income does not exceed two hundred percent (200%) of the federal income poverty level.

(c) Before November 1, 2014, the office of the secretary shall study the following:

(1) The tax relief available for Indiana residents whose incomes do not exceed two hundred percent (200%) of the federal income poverty level.

(2) The availability of programs that provide financial or medical assistance to Indiana residents whose incomes do not exceed two hundred percent (200%) of the federal income poverty level, including:

(A) Medicaid;

(B) Temporary Assistance for Needy Families;

(C) supplemental nutrition assistance; or

(D) any other federal, state, or local financial or medical assistance available to Indiana residents whose incomes do not exceed two hundred percent (200%) of the federal income poverty level.

(3) The maximum government assistance income an individual could receive by pursuing and obtaining the benefits described in subdivisions (1) and (2).

(d) The office of the secretary shall submit a report of its findings not later than November 1, 2014, to the governor and the legislative council. The report to the legislative council must be in

an electronic format under IC 5-14-6. The report must include a detailed explanation of the calculation assumptions and methodology.

(e) This SECTION expires January 1, 2015.

SECTION 37. **An emergency is declared for this act.**

P.L.191-2014
[H.1384. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 9-21-8-59, AS ADDED BY P.L.185-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 59. (a) A person may not use a telecommunications device to:

(1) type a text message or an electronic mail message;

(2) transmit a text message or an electronic mail message; or

(3) read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.

(b) A police officer may not, **without the consent of the person:**

(1) confiscate a telecommunications device for the purpose of determining compliance with this section; ~~or~~

(2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; **or**

(3) extract or otherwise download information from a telecommunications device for a violation of this section unless:

(A) the police officer has probable cause to believe that the telecommunications device has been used in the

commission of a crime;

(B) the information is extracted or otherwise downloaded under a valid search warrant; or

(C) otherwise authorized by law.

SECTION 2. IC 34-28-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a)** Whenever a law enforcement officer believes in good faith that a person has committed an infraction or ordinance violation, the law enforcement officer may detain that person for a time sufficient to:

(1) inform the person of the allegation;

(2) obtain the person's:

(A) name, address, and date of birth; or

(B) driver's license, if in the person's possession; and

(3) allow the person to execute a notice to appear.

(b) If a law enforcement officer detains a person because the law enforcement officer believes the person has committed an infraction or ordinance violation, the law enforcement officer may not, without the consent of the person, extract or otherwise download information from a cellular telephone or another wireless or cellular communications device possessed by the person at the time the person is detained unless:

(1) the law enforcement officer has probable cause to believe that the:

(A) cellular telephone; or

(B) other wireless or cellular communications device;

has been used in the commission of a crime;

(2) the information is extracted or otherwise downloaded under a valid search warrant; or

(3) otherwise authorized by law.

P.L.192-2014
[H.1388. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-28-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. Information containing teacher evaluation results that may be identified by teacher name, identification number, or other identifying criteria is confidential and exempt from disclosure requirements under IC 5-14-3-4.**

SECTION 2. IC 20-28-3-1, AS AMENDED BY P.L.254-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) As used in this section, "teacher candidate" means an individual recommended for an initial teaching license from a teacher preparation program located in Indiana.**

~~(a)~~ **(b)** As used in this section, "teacher preparation program" includes, but is not limited to, the following:

(1) A teacher education school or department.

(2) A transition to teaching program under IC 20-28-4.

(3) Any other entity approved by the department to offer a course of study leading to an initial teaching license.

~~(b)~~ **(c)** The department shall:

(1) arrange a statewide system of professional instruction for teacher education;

(2) accredit and ~~inspect~~ **review** teacher preparation programs that comply with the rules of the department;

(3) approve content area licensure programs for particular kinds of teachers in accredited teacher preparation programs; and

(4) specify the types of licenses for individuals who complete programs of approved courses.

~~(c)~~ **(d)** The department shall work with teacher preparation programs to develop a system of teacher education that ensures individuals who ~~graduate from the~~ **complete** teacher preparation programs are able to meet the highest professional standards.

~~(d)~~ **(e) Before July 1, 2015,** the department shall establish standards for the continuous improvement of program processes and the performance of individuals who complete teacher preparation programs. The state board shall adopt rules containing the standards not later than two hundred seventy (270) days after the department finishes the standards.

~~(e)~~ **(f)** The standards established under subsection ~~(d)~~ **(e)** must include benchmarks for performance, including ~~at least the following:~~

~~(1)~~ test score data for each teacher preparation entity on content area licensure tests and test score data for each teacher preparation entity on pedagogy licensure tests.~~(2) The maximum number of times each individual who completes a teacher preparation program takes each licensing test before receiving a passing score.~~

~~(f)~~ **(g)** Each teacher ~~education~~ preparation program shall annually report the program's performance on the standards and benchmarks established under this section to the department. The department shall make the information reported under this subsection available to the public on the department's Internet ~~website.~~ **web site.** In addition to reporting performance, each teacher education school and department must report ~~the following information~~ **attrition, retention, and completion rates of teacher candidates for the previous three (3) calendar years.**

~~(1) the attrition, retention, and completion rates of candidates.~~

(h) In making information available to the public on the department's Internet web site, the department shall include in the report under subsection (g), in addition to the matrix ratings described in subsection (i), the following information:

~~(2)~~ **(1)** Average ~~raw~~ **scaled or standard** scores of ~~individuals~~ **teacher candidates** who complete teacher preparation programs on basic skills, content area, and pedagogy licensure examinations.

~~(3)~~ **(2)** The ~~maximum~~ **average** number of times ~~each individual~~ **teacher candidates** who ~~completes~~ **complete** a teacher

preparation program ~~takes~~ **take** each licensing test before receiving a passing score **and the percentage of teacher candidates who receive a passing score on each licensing test on the teacher candidates' first attempts.**

~~(4) The percentage of individuals who complete teacher preparation programs who obtain:~~

~~(A) full-time; and~~

~~(B) part-time;~~

~~teaching positions.~~

~~(5) The name of the employer of each individual who completes a teacher preparation program and who obtains a full-time or part-time teaching position.~~

~~(g)~~ **(i)** Not later than July 30, 2016, the department **and the commission for higher education,** in conjunction with the state board, **the Independent Colleges of Indiana, Inc., and teacher preparation programs,** shall establish a **matrix** rating system for teacher preparation programs based on the performance of the programs as demonstrated by the data collected under ~~subsection (f)~~ **subsections (g) and (h) and information reported to the department under IC 20-28-11.5-9. The matrix rating system may not rank or compare teacher preparation programs. The matrix rating system must be based on data collected for teachers who initially receive their teaching license during the previous three (3) years.** ~~for the three (3) most recent years.~~ The department shall make the **matrix** ratings available to the public on the department's Internet web site.

(j) Each teacher preparation program shall report to the department, in a manner prescribed by the department, the teacher preparation program's admission practices, in accordance with:

(1) the Council for the Accreditation of Educator Preparation standards, for teacher preparation programs accredited by the Council for the Accreditation of Educator Preparation; or

(2) rigorous academic entry requirements for admission into a teacher preparatory program that are equivalent to the minimum academic requirements determined by the Council for the Accreditation of Educator Preparation, for teacher preparation programs that are not accredited by the Council for the Accreditation of Educator Preparation.

The department shall include information reported to the department on the department's Internet web site.

(k) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a minimum rating under the matrix rating system established under subsection (i) that teacher preparation programs must achieve to avoid referral under subsection (l).

(l) Beginning July 1, 2017, and not later than each July 1 thereafter, the department shall submit a list of teacher preparation programs that do not meet the minimum rating established under subsection (k) to the commission for higher education and the Independent Colleges of Indiana, Inc. for one (1) of the following actions:

(1) In the case of a state educational institution, the commission for higher education shall place the teacher preparation program on an improvement plan with clear performance goals and a designated period in which the performance goals must be achieved.

(2) In the case of a proprietary postsecondary educational institution, the commission for higher education shall recommend to the teacher preparation program an improvement plan with clear performance goals and a designated period in which the performance goals should be achieved.

(3) In the case of a nonprofit college or university, the Independent Colleges of Indiana, Inc., shall coordinate a peer review process to make recommendations to the peer institution in achieving the department's performance metrics.

SECTION 3. IC 20-28-4-4, AS AMENDED BY P.L.6-2012, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. An entity approved by the department may establish a course of study that meets the requirements of this section. A program approved under this section must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to

teach in grades 5 through 12, up to eighteen (18) credit hours of study or the equivalent that:

(i) prepares a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching; and

(ii) provides the program participants with instruction in scientifically based reading instruction.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 6, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(C) For a program participant who seeks a license to teach in prekindergarten through grade 3, twenty-four (24) credit hours of study (or the equivalent) that must include at least six (6) credit hours in teaching scientifically based reading instruction and that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on student mastery of standards established by the state.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 4. IC 20-28-4-5, AS AMENDED BY P.L.205-2013, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience;

in the subject or a related area that the individual intends to teach.

(D) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution; and

(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade 6, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience in an education related field, as determined by the department.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution; and

(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

(3) For a program participant who seeks to obtain a license to

teach in prekindergarten through grade 3, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience in an education related field, as determined by the department.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution; and

(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach.

SECTION 5. IC 20-28-11.5-9, AS AMENDED BY P.L.254-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Before ~~August 1~~ **November 15** of each year, each **charter school (including a virtual charter school) and** school corporation shall provide the disaggregated results of staff performance evaluations by teacher identification numbers to the department.

(b) Before August 1 of each year, each charter school and school corporation shall provide to the department:

(1) the name of the teacher preparation program that recommended the initial license for each teacher employed by the school; and

(2) the annual retention rate for teachers employed by the school.

(c) Not before the beginning of the second semester (or the equivalent) of the school year and not later than August 1 of each year, the principal at each school described in subsection (a) shall complete a survey that provides information regarding the principal's assessment of the quality of instruction by each particular teacher preparation program located in Indiana for teachers employed at the school who initially received their teaching license in Indiana in the previous two (2) years. The

survey shall be adopted by the state board and prescribed on a form developed not later than July 30, 2016, by the department that is aligned with the matrix system established under IC 20-28-3-1(i). The school shall provide the surveys to the department along with the information provided in subsection (b). The department shall compile the information contained in the surveys, broken down by each teacher preparation program located in Indiana. The department shall include information relevant to a particular teacher preparation program located in Indiana in the department's report under subsection (f).

(d) During the second semester (or the equivalent) of the school year and not later than August 1 of each year, each teacher employed by a school described in subsection (a) in Indiana who initially received a teacher's license in Indiana in the previous three (3) years shall complete a form after the teacher completes the teacher's initial year teaching at a particular school. The information reported on the form must:

(1) provide the year in which the teacher was hired by the school;

(2) include the name of the teacher preparation program that recommended the teacher for an initial license;

(3) describe subjects taught by the teacher;

(4) provide the location of different teaching positions held by the teacher since the teacher initially obtained an Indiana teaching license;

(5) provide a description of any mentoring the teacher has received while teaching in the teacher's current teaching position;

(6) describe the teacher's current licensure status; and

(7) include an assessment by the teacher of the quality of instruction of the teacher preparation program in which the teacher participated.

The form shall be prescribed by the department. The forms shall be submitted to the department with the information provided in subsection (b). Upon receipt of the information provided in this subsection, the department shall compile the information contained in the forms and include an aggregated summary of the report on the department's Internet web site.

~~(b)~~ **(e)** Before ~~September~~ ~~1~~ **December 15** of each year, the

department shall report the results of staff performance evaluations in the aggregate to the state board, and to the public via the department's Internet web site for:

(1) the aggregate of certificated employees of each school and school corporation; ~~and~~

(2) the aggregate of graduates of each teacher preparation program in Indiana;

(3) for each school described in subsection (a), the annual rate of retention for certificated employees for each school within the charter school or school corporation; and

(4) the aggregate results of staff performance evaluations for each category described in section 4(c)(4) of this chapter. In addition to the aggregate results, the results must be broken down:

(A) by the content area of the initial teacher license received by teachers upon completion of a particular teacher preparation program; or

(B) as otherwise requested by a teacher preparation program, as approved by the state board.

(f) Beginning November 1, 2016, and before September 1 of each year thereafter, the department shall report to each teacher preparation program in Indiana for teachers with three (3) or fewer years of teaching experience:

(1) information from the surveys relevant to that particular teacher education program provided to the department under subsection (c);

(2) information from the forms relevant to that particular teacher preparation program compiled by the department under subsection (d); and

(3) the results from the most recent school year for which data are available of staff performance evaluations for each category described in section 4(c)(4) of this chapter with three (3) or fewer years of teaching experience for that particular teacher preparation program. The report to the teacher preparation program under this subdivision shall be in the aggregate form and shall be broken down by the teacher preparation program that recommended an initial teaching license for the teacher.

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

P.L.193-2014
[H.1403. Approved March 26, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 32-30-6-7, AS AMENDED BY P.L.82-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) An action to abate or enjoin a nuisance may be brought by any person whose:

(1) property is injuriously affected; or

(2) personal enjoyment is lessened;

by the nuisance.

(b) A civil action to abate or enjoin a nuisance may also be brought by:

(1) an attorney representing the county in which a nuisance exists; or

(2) the attorney of any city or town in which a nuisance exists.

(c) A county, city, or town that brings a successful action under this section ~~(or IC 34-1-52-2 or IC 34-19-1-2 before their repeal)~~ to abate or enjoin a nuisance ~~caused by the unlawful dumping of solid waste~~ is entitled to recover reasonable attorney's fees incurred in bringing the action.

(d) A ~~forestry operation~~ **person** that successfully defends an action under this section is entitled to reasonable costs and attorney's fees incurred in defending the action.

SECTION 2. IC 36-1-20-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014]: **Sec. 1.5. As used in this chapter, "rental unit community" means one (1) or more parcels of contiguous real property upon which are located one (1) or more structures containing rental units, if:**

(1) the combined total of all rental units in all of the structures

is five (5) or more rental units; and

(2) the rental units are not occupied solely by the owner or the owner's family.

SECTION 3. IC 36-1-20-2, AS ADDED BY P.L.212-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014]: Sec. 2. (a) Except as provided in subsection (b), the owner of a rental unit assessed any ~~inspection, registration, or other~~ fee by a political subdivision pertaining to the rental unit may:

(1) notify the tenants of the rental unit of the assessment of the fee; and

(2) require the tenants of the rental unit to reimburse the owner for the payment of the fee.

(b) Tenants of a rental unit may not be required to reimburse the owner of a rental unit for fees assessed by a political subdivision relating to the construction of the rental unit, such as building permit fees.

SECTION 4. IC 36-1-20-3, AS ADDED BY P.L.212-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014]: Sec. 3. Any ~~inspection, registration, or other~~ fee assessed ~~under section 2 of this chapter~~ and collected by a political subdivision **pertaining exclusively to a rental unit or rental unit community** must be maintained in a special fund dedicated solely to reimbursing the costs ~~reasonably related to services~~ actually ~~performed~~ **incurred** by the political subdivision ~~that justified~~ **relating to** the imposition and amount of the fee. Each fund shall be maintained as a separate line item in the political subdivision's budget. Money in the fund may not at any time revert to the general fund or any other fund of the political subdivision.

SECTION 5. IC 36-1-20-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014] **Sec. 3.5. (a) This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984.**

(b) A political subdivision may not require a rental unit's owner or landlord to do any of the following:

(1) Except as provided in subsection (c), obtain a permit to lease the rental unit.

(2) Participate in a class or government program as a

condition for leasing the rental unit.

(c) Notwithstanding subsection (b), a political subdivision may require a rental unit's owner or landlord to obtain a permit only as follows:

(1) A fee may not be charged to obtain a permit.

(2) Except when there is a change of ownership of the real property, a permit does not expire. A political subdivision may require a new owner of the real estate to obtain a new permit.

(3) Only one (1) permit may be required for a rental unit community.

SECTION 6. IC 36-1-20-4 IS REPEALED [EFFECTIVE JUNE 30, 2014]. ~~Sec. 4. (a) As used in this section, "regulation" refers to an ordinance, rule, or other enactment by a political subdivision relating to any of the following:~~

~~(1) Landlord and tenant relations.~~

~~(2) Rental agreements.~~

~~(3) Real property subject to a rental agreement.~~

~~(b) A regulation that does any of the following may not be adopted after February 28, 2013:~~

~~(1) Requires an owner or landlord to be licensed or to obtain a permit from the political subdivision to lease a rental unit.~~

~~(2) Requires an owner or landlord to enroll or participate in a class or government program as a condition for leasing a rental unit.~~

~~(3) Imposes or increases a fee or other assessment for any of the following:~~

~~(A) Inspection of a rental unit.~~

~~(B) Registration of an owner, landlord, or rental unit.~~

~~(C) Any other purpose related to the purposes listed in subsection (a).~~

~~(c) This chapter does not prohibit a political subdivision from:~~

~~(1) establishing a rental unit inspection program; or~~

~~(2) imposing or increasing a fee relating to the construction of a rental unit, such as a building permit fee.~~

~~(d) This section expires July 1, 2014.~~

SECTION 7. IC 36-1-20-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE

30, 2014]: **Sec. 4.1. (a) This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984. This section does not apply to a manufactured housing community or mobile home community that is licensed, permitted, and inspected by the state department of health.**

(b) Except as provided in subsection (c), this chapter does not prohibit a political subdivision from establishing and enforcing a program for inspecting rental units.

(c) Except as provided in subsection (d), after June 30, 2014, a political subdivision may not inspect a rental unit or impose a fee pertaining to the inspection of a rental unit, if the rental unit satisfies all of the following:

(1) The rental unit is:

(A) managed by; or

(B) part of a rental unit community that is managed by;

a professional real estate manager.

(2) During the previous twelve (12) months, the rental unit has been inspected or is part of a rental unit community that has been inspected by either of the following:

(A) By or for:

(i) the United States Department of Housing and Urban Development, the Indiana Housing and Community Development Authority, or another federal or state agency; or

(ii) a financial institution or insurance company authorized to do business in Indiana.

(B) By an inspector who:

(i) is a registered architect;

(ii) is a professional engineer; or

(iii) satisfies qualifications for an inspector of rental units prescribed by the political subdivision.

The inspector may not be an employee of the owner or landlord.

(3) A written inspection report of the inspection under subdivision (2) has been issued to the owner or landlord of the rental unit or rental unit community (as applicable) that verifies that the rental unit or rental unit community is safe and habitable with respect to:

(A) electrical supply and electrical systems;
(B) plumbing and plumbing systems;
(C) water supply, including hot water;
(D) heating, ventilation, and air conditioning equipment and systems;
(E) bathroom and toilet facilities;
(F) doors, windows, stairways, and hallways;
(G) functioning smoke detectors; and
(H) the structure in which a rental unit is located.

A political subdivision may not add to the requirements of this subdivision.

(4) The inspection report issued under subdivision (3) is delivered to the political subdivision on or before the due date set by the political subdivision.

(d) This subsection applies to all rental units, including a rental unit that meets the requirements for an exemption under subsection (c). A political subdivision may inspect a rental unit, if the political subdivision:

(1) has reason to believe; or
(2) receives a complaint;

that the rental unit does not comply with applicable code requirements. However, in the case of a rental unit that meets the requirements for an exemption under subsection (c), the political subdivision may not impose a fee pertaining to the inspection of the rental unit. If an inspection of a rental unit reveals a violation of applicable code requirements, the owner of the rental unit may be subject to a penalty as provided in section 6 of this chapter.

(e) This subsection applies only to a rental unit that meets the requirements for an exemption under subsection (c). If the inspection report for the rental unit or rental unit community is prepared by or for the United States Department of Housing and Urban Development, the inspection report is valid for purposes of maintaining the exemption under subsection (c) until:

(1) the date specified in the inspection report; or
(2) thirty-six (36) months after the date of the inspection report;

whichever is earlier.

SECTION 8. IC 36-1-20-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE

30, 2014]: **Sec. 5. (a) This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984.**

(b) This chapter does not prohibit a political subdivision from establishing and enforcing a registration program for rental units within the political subdivision.

(c) A political subdivision may impose on an owner or landlord of a rental unit an annual registration fee of not more than five dollars ($5).

(d) A registration fee imposed under subsection (c) covers all the rental units in a rental unit community. However, if a rental unit is not part of a rental unit community, a registration fee may be imposed for each separate parcel of real property on which a rental unit is located.

(e) If the ownership of a rental unit community or the ownership of a parcel of real property on which a rental unit is located changes, a political subdivision may require the new owner of the rental unit community or new owner of the real estate parcel to:

(1) pay an annual registration fee of not more than five dollars ($5); and

(2) provide updated registration information to the political subdivision;

not later than thirty (30) days after the change of ownership.

SECTION 9. IC 36-1-20-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014]: **Sec. 6. (a) This chapter does not prevent a political subdivision from imposing and collecting a penalty for an act or omission that is a nuisance or violation of the political subdivision's enforceable ordinances or codes, subject to subsection (b).**

(b) A penalty permitted under subsection (a) may not be imposed until after:

(1) reasonable notice of the nuisance or violation has been given to the owner or the owner's designee;

(2) passage of a reasonable time, which must be stated in the notice, for the nuisance or violation to be cured; and

(3) failure of the nuisance or violation to be cured within the time stated in the notice.

P.L.194-2014
[S.4. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-22-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section, "farmland" means agricultural land that is:

(1) devoted or best adaptable for the production of crops, fruits, timber, and the raising of livestock; or

(2) assessed as agricultural land for property tax purposes.

(b) An individual may not take or chase, with or without dogs, a wild animal without having a license, except as follows:

(1) An individual who is a resident or nonresident of Indiana while participating in a field trial that has been sanctioned by the director is not required to possess a license while participating in the trial.

(2) Subject to subsection (d), an owner of farmland located in Indiana who is a resident or nonresident of Indiana and the spouse and children living with the owner may hunt, fish, and trap without a license on the land that the owner owns.

(3) A lessee of farmland who farms that land and is a resident of Indiana and the spouse and children living with the lessee may hunt, fish, and trap without a license on the leased land. This subdivision does not apply to land that is:

(A) owned, leased, or controlled by; and

(B) leased from;

the department.

(4) An individual who:

(A) is less than thirteen (13) years of age;

(B) does not possess a bow or firearm; and

(C) is accompanying an individual who:

(i) is at least eighteen (18) years of age; and

(ii) holds a valid license;

may chase a wild animal without having a license.

(5) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, may chase or take, except by trapping, at any time, without a license, a white-tailed deer, coyote, wild turkey, or migratory bird that poses a threat to aircraft within the airport operations area.

(c) The exceptions provided in this section do not apply to a commercial license issued under this article.

(d) The right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license under subsection (b)(2) is subject to the following conditions:

(1) The nonresident may hunt, fish, and trap on the farmland without a license only if the state in which the nonresident resides allows residents of Indiana who own land in that state to hunt, fish, and trap on their land without a license.

(2) While hunting, fishing, or trapping on the farmland, the nonresident must keep proof that the nonresident owns the farmland (for example, a tax receipt identifying the nonresident as owner) in a place where the proof is readily accessible by the nonresident.

(e) The manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, shall report annually to the department the following:

(1) The number of animals killed under subsection (b)(5) by species.

(2) The date the animal was taken.

(3) The name and address of the person who took the animal, other than a migratory bird.

(4) The disposition of the animal.

(5) The name and address of the person to whom the animal was given as a gift or donated (if applicable).

A copy of the report must be kept at the public use airport (as defined by 49 U.S.C. 47102(22)) and be available upon request to an employee of the department. White-tailed deer and wild turkeys

must be tagged or accompanied by a piece of paper that includes the name and address of the person who took the deer or wild turkey, the date the deer or wild turkey was taken, and the location where the deer or wild turkey was taken before processing of the deer or wild turkey begins. However, it is not a violation of this subsection if the manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, fails to submit an annual report under this subsection, as long as the manager of a public use airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee, provides the relevant information requested by the department not later than fourteen (14) calendar days after receiving a request from the department. If the manager of a public use airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee does not provide the information requested by the department within the required fourteen (14) day period, the manager of the public use airport (as defined by 49 U.S.C. 47102(22)) and any designee of the manager are required to obtain a permit from the department to chase or take a wild animal during the following calendar year.

P.L.195-2014
[S.52. Approved March 27, 2014.]

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

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

SECTION 1. IC 9-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. **(a)** The owner shall paint on or attach to each side of the bow of the motorboat the registration number assigned under section 10 of this chapter. **Subject to subsection (b),** the number ~~shall~~ **must** be **displayed,** painted on, or

attached ~~in the manner prescribed by rules adopted by the bureau~~ so that the number is **legible and** clearly visible. The registration number shall be maintained in legible condition.

(b) If a motorboat is required to be registered under 33 CFR 173, the registration number must be displayed in the manner prescribed by 33 CFR 173.27.

SECTION 2. IC 14-15-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to a motorboat competing in and during a motorboat race for which a permit has been issued by the department.

(b) A person may not operate a motorboat on Indiana water unless the boat motor is equipped with:

(1) a muffler;

(2) an underwater exhaust; or

(3) other device;

that muffles or suppresses the sound of the exhaust. ~~to prevent excessive and unusual noise at all speeds.~~

SECTION 3. IC 14-15-2-15, AS AMENDED BY P.L.137-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) ~~Except as provided in subsection (b),~~ A person who violates **section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, 12, 13, or 14 of** this chapter commits a Class C infraction.

(b) A person who violates section 7(c) or 8 of this chapter commits a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of at least one thousand dollars ($1,000) shall be imposed for each Class A infraction committed in violation of section 7(c) or 8 of this chapter.

SECTION 4. IC 14-15-3-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 21. (a) A person operating or occupying a boat may not sound a whistle or horn when:~~

~~(1) the passage of the boat is clear and without danger; or~~

~~(2) a warning signal is not necessary to prevent injury to person or property.~~

~~(b) Unnecessary sounding of a whistle or horn is:~~

~~(1) a public nuisance; and~~

~~(2) prohibited.~~

SECTION 5. IC 14-15-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. (a) ~~Except as provided in subsection (b),~~ A person who violates **section 2, 3, 5, 7, 8,**

9, 10, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, or 30 of this chapter commits a Class C infraction.

(b) A person who **knowingly or intentionally** violates section 6 of this chapter commits a Class C misdemeanor.

SECTION 6. IC 14-15-4-4, AS AMENDED BY P.L.158-2013, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A person who **knowingly or intentionally** violates **section 1, 2, or 3 of** this chapter commits a Class C misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident or collision results in an injury to a person;

(2) a Level 6 felony if:

(A) the accident or collision results in serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or IC 14-15-8-8 (before its repeal); or

(3) a Level 5 felony if the accident or collision results in the death of a person.

SECTION 7. IC 14-15-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A person who violates **section 1 of** this chapter commits a Class C infraction.

SECTION 8. IC 14-15-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A person who violates **section 1, 5, 7, 8, or 9 of** this chapter commits a Class C infraction.

SECTION 9. IC 14-15-7-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. A person who violates this chapter commits a Class C infraction.~~

SECTION 10. IC 14-15-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who violates section 4, 5, 6, or 7(a) of this chapter commits a Class C ~~misdemeanor.~~ **infraction.**

SECTION 11. IC 14-15-13-4, AS ADDED BY P.L.165-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. An individual who violates **section 3 of** this chapter commits a Class C infraction.

SECTION 12. IC 14-16-1-29, AS AMENDED BY P.L.1-2006, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) ~~Except as provided in subsections (b) and (c),~~ A person who violates **section 8, 9, 11.5, 13, 14, 20, 21, 23(a)(3) through 23(a)(14), or 27 of** this chapter commits a Class C infraction.

(b) A person who **knowingly or intentionally** violates section 17, 18(a), 18(b), 18(c), 23(a)(1), 23(a)(2), or 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 18(d) or 18(e) of this chapter commits a Class A infraction.

SECTION 13. IC 14-21-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a)** Except as provided in section 18 and sections 25 through 27 of this chapter, a person who, ~~knowingly,~~ without a permit, conducts a field investigation or alters historic property within the boundaries of property owned or leased by the state commits a Class A ~~misdemeanor.~~ **infraction.**

(b) Notwithstanding IC 34-28-5-4, a judgment for a Class A infraction imposed under this section may not exceed five thousand dollars ($5,000).

SECTION 14. IC 14-21-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A person who knowingly violates ~~a provision~~ **section 3 or 4** of this chapter commits a Class C misdemeanor.

SECTION 15. IC 14-21-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Beginning January 1, 2003,~~ A person who violates section 1 of this chapter commits a Class C infraction.

SECTION 16. IC 14-22-38-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) Except as otherwise provided in this article and subject to subsection (b), a person who violates this article commits a Class C infraction.**

(b) Except as otherwise provided in this article, a person who **knowingly or intentionally** violates this article commits a Class C misdemeanor.

(c) A person may not be charged with both:

(1) a Class C misdemeanor; and

(2) a Class C infraction;

under this section for the same act or omission.

SECTION 17. IC 14-22-38-4, AS AMENDED BY P.L.289-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) **If** a person ~~who:~~ **commits an offense that involves:**

(1) unlawfully ~~takes~~ **taking** or ~~possesses~~ **possessing** a deer or wild turkey;

(2) ~~takes~~ **taking** or ~~possesses~~ **possessing** a deer or wild turkey by illegal methods or with illegal devices; or

(3) except as provided in subsections (c) and (d), ~~sells,~~ ~~offers~~ **selling, offering** to sell, ~~purchases,~~ **purchasing,** or ~~offers~~ **offering** to purchase a deer or wild turkey or a part of a deer or wild turkey;

~~shall~~ **the court may order the person to** reimburse the state five hundred dollars ($500) for the first violation and one thousand dollars ($1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

(1) fails to pick up the processed deer within a reasonable time; or

(2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

(d) Notwithstanding section 6 of this chapter, deer meat and products from farm raised deer that meet the requirements under IC 15-17 may be sold to the public.

(e) In addition to being liable for the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

(1) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or

(2) a device used as a silencer;

commits unlawful hunting while using or possessing a silencer, a Class

C misdemeanor.

SECTION 18. IC 14-24-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A person may not remove a label described under section 6 of this chapter from nursery stock until the nursery stock has been sold for the ultimate use or purpose of the nursery stock in Indiana.

(b) A person who violates this section commits a Class C infraction.

SECTION 19. IC 14-24-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. A person who violates section 1 of this chapter commits a Class C infraction.**

SECTION 20. IC 14-24-9-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. A person who violates section 2 of this chapter commits a Class C infraction.**

SECTION 21. IC 14-24-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~(a) Except as provided in subsections (b) and (c), a person that knowingly violates this article commits a Class C infraction.~~

~~(b)~~ **(a)** A person, other than the state or a political subdivision of the state, that recklessly disturbs or molests an apiary, a honeybee hive, a honeybee colony, or other honeybee habitat, natural or manmade, without the permission of the owner commits a Class B misdemeanor.

~~(c)~~ **(b)** A person who ~~recklessly or knowingly~~ introduces a pest or pathogen into Indiana without a permit issued under:

(1) IC 14-7-9-2 (before its repeal); or

(2) IC 14-24-9-2;

commits a Class A infraction.

~~(d)~~ **(c)** Each day a violation occurs under this section is a separate offense.

SECTION 22. IC 14-24-12-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10. A person who violates section 5 or 7 of this chapter commits a Class C infraction.**

SECTION 23. IC 14-25-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. A person who violates:

(1) section 6, 11, or 12 of this chapter; **or**

(2) a rule or order concerning a restricted use area;

commits a Class C infraction. Each day of violation constitutes a separate infraction.

SECTION 24. IC 14-25-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A person who violates **a rule or order adopted under** this chapter **concerning a ground water emergency** commits a Class A infraction.

(b) The commission may, without proof of irreparable injury, maintain an action to enjoin a violation of this chapter.

SECTION 25. IC 14-25-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) A person who violates **an order concerning a freshwater lake emergency declared under section 7 of** this chapter commits a Class A infraction.

(b) The commission may, without proof of irreparable injury, maintain an action to enjoin a violation of this chapter.

SECTION 26. IC 14-25-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A person who violates **section 1 or 2 of** this chapter, **including the violation of an order issued under section 1 of this chapter,** commits a Class C infraction. Each day of violation constitutes a separate infraction.

SECTION 27. IC 14-25.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The fund consists of the following:

(1) Accrued interest and other investment earnings of the fund.

(2) Civil penalties collected ~~under IC 14-25.5-4.~~ **for the violation of a statute in an article described in IC 14-25.5-1-1.**

(3) Gifts, grants, donations, or appropriations from any source.

SECTION 28. IC 14-25.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~The department may assess a civil penalty of not more than ten thousand dollars ($10,000) for a violation of an article to which this article applies or a violation of a rule adopted under an article to which this article applies.~~ **If the department has authority to assess a civil penalty for the violation of a statute in an article described in IC 14-25.5-1-1, the department also has authority to assess a civil penalty for the violation of a rule adopted in connection with that statute.**

(b) Each day during which a violation continues may be considered

a separate violation for purposes of assessing a civil penalty.

(c) The department may bring a civil action under section 5 of this chapter to recover a **civil** penalty ~~under~~ **described in** this section and to enjoin a person from continuing a violation.

SECTION 29. IC 14-25.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. **(a)** A civil penalty assessed ~~under~~ **for a violation described in** section 3 of this chapter is subject to IC 4-21.5-3-6 and becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review within thirty (30) days after receipt of the notice of assessment.

(b) A civil penalty that is assessed for a violation described in section 3 of this chapter shall be deposited in the fund.

SECTION 30. IC 14-25.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The division director may request the attorney general to institute an action in an appropriate court for the following:

(1) The recovery of civil penalties owed ~~under this chapter.~~ **for a violation described in section 3 of this chapter.**

(2) To restrain a person from commencing to violate or continuing to violate any of the following:

(A) An article to which this article applies or a rule adopted under an article to which this article applies.

(B) An order of the department.

SECTION 31. IC 14-25.5-4-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. Except as provided in IC 14-26-7-8, IC 14-27-6-52, IC 14-29-1-3, IC 14-29-7-25, and IC 14-29-8-5, a person who knowingly violates an article enforced under this article commits a Class B infraction. Each day a violation occurs is a separate infraction.~~

SECTION 32. IC 14-26-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21. A person who ~~knowingly~~ violates **section 7 or 23 of** this chapter commits a Class B infraction.

SECTION 33. IC 14-26-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. In addition to other penalties prescribed by this chapter or IC 13-2-11.1 (before its repeal), the director may impose a civil penalty **of not more than ten thousand dollars ($10,000)** under IC 14-25.5-4 **for a violation of section 7 or 23 of this chapter.**

SECTION 34. IC 14-26-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A person who ~~recklessly~~ violates this chapter commits a Class A ~~misdemeanor.~~ **infraction. Notwithstanding IC 34-28-5-4, a judgment for a Class A infraction imposed under this section may not exceed five thousand dollars ($5,000).**

SECTION 35. IC 14-27-6-52 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 52. A person who recklessly violates this chapter commits a Class B misdemeanor.~~

SECTION 36. IC 14-29-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A person who ~~knowingly~~ violates **section 3 of** this chapter commits a Class B infraction.

(b) Each day of continuing violation after conviction of the offense **or violation** constitutes a separate offense **or violation.**

SECTION 37. IC 14-36-1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. **(a)** A person who violates **or fails to comply with section 14, 15, 26, or 27 of** this chapter **(including a person who fails to comply with a rule of the commission or order of the director adopted or issued in connection with these sections)** commits a Class A infraction.

(b) Each day that a violation continues constitutes a separate violation.

(c) Notwithstanding IC 34-28-5-4, a judgment for a Class A infraction imposed under this section may not exceed five thousand dollars ($5,000).

SECTION 38. IC 14-37-4-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15. (a) The department may assess a civil penalty of not more than ten thousand dollars ($10,000) against a person who violates section 1 or 2 of this chapter.**

(b) A person who knowingly or intentionally violates section 1 or 2 of this chapter commits a Level 6 felony if the violation relates to the operation of a Class II well.

(c) A civil penalty assessed under this section shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.

SECTION 39. IC 14-37-7-9 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) The department may assess a civil penalty of not more than ten thousand dollars ($10,000) against an owner or operator who:**

(1) violates section 4 or 7 of this chapter; or

(2) fails to comply with an order of the division under section 3.5 or 4 of this chapter.

(b) An owner or operator who knowingly or intentionally:

(1) violates section 4 or 7 of this chapter; or

(2) fails to comply with an order of the division under section 3.5 or 4 of this chapter;

commits a Level 6 felony if the violation or failure to comply relates to the operation of a Class II well.

(c) A civil penalty assessed under this section shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.

SECTION 40. IC 14-37-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An owner or operator shall plug and abandon a well that:

(1) is completed as a nonproductive well;

(2) ceases to produce oil or natural gas; or

(3) is no longer operated for the purpose for which the well is permitted;

unless the owner or operator is authorized to delay the plugging and abandonment of the well under section 8 of this chapter.

(b) **The department may assess a civil penalty of not more than ten thousand dollars ($10,000) against** an owner or operator of a well who:

(1) ceases to operate the well; and

(2) knowingly fails to plug and abandon the well in violation of subsection (a).

~~is subject to the criminal penalty set forth in IC 14-37-13-6.~~

(c) An owner or operator who knowingly or intentionally violates this section commits a Level 6 felony if the violation or failure to comply relates to the operation of a Class II well.

(d) A civil penalty assessed under this section shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.

(e) Each day that the well remains not plugged and not abandoned constitutes a separate violation of subsection (a).

SECTION 41. IC 14-37-8-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 18. (a) The department may assess a civil penalty of not more than ten thousand dollars ($10,000) against an owner or operator who:**

(1) violates; or

(2) fails to comply with an order of the division in relation to; section 3, 4, or 4.2 of this chapter.

(b) An owner or operator who knowingly or intentionally:

(1) violates; or

(2) fails to comply with an order of the division in relation to; section 3, 4, or 4.2 of this chapter commits a Level 6 felony if the violation or failure to comply relates to the operation of a Class II well.

(c) A civil penalty assessed under this section shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.

SECTION 42. IC 14-37-10-3, AS AMENDED BY P.L.151-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The following shall be deposited in the fund:

(1) Annual fees for oil and gas wells received under IC 14-37-5.

(2) Accrued interest and other investment earnings of the fund.

(3) Civil penalties collected under ~~IC 14-37-13-3.~~ **IC 14-37.**

(4) Bonds forfeited under IC 14-37-13-2.

(5) Gifts, grants, donations, or appropriations from any source.

SECTION 43. IC 14-37-11-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. (a) An owner or operator who violates section 1 of this chapter commits a Class B infraction.**

(b) The department may assess a civil penalty of not more than ten thousand dollars ($10,000) against an owner or operator who violates section 1 of this chapter.

(c) An owner or operator who knowingly or intentionally violates section 1 of this chapter commits a Level 6 felony if the violation concerns the operation of a Class II well.

(d) A civil penalty assessed under this section shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.

SECTION 44. IC 14-37-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~The commission may~~

~~assess against a person who violates:~~

~~(1) this article or IC 13-8 (before its repeal); or~~

~~(2) a rule adopted under this article (or IC 13-8 before its repeal); a civil penalty of not more than ten thousand dollars ($10,000) for each day the violation occurs. The penalty may be recovered and~~ **In addition to any civil penalty imposed for a violation of this article,** the ~~violator may be enjoined~~ **department may bring an action to enjoin the violator** from continuing the violation. ~~in a civil action.~~

SECTION 45. IC 14-37-13-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. (a) Except as provided in subsection (b), a person who knowingly violates this article commits a Class B misdemeanor. Each day a violation occurs is a separate offense.~~

~~(b) A person who knowingly violates this article with respect to the operation of a Class II well commits a Level 6 felony.~~

SECTION 46. IC 14-38-2-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 21. (a) A person who knowingly violates this chapter commits a Class C infraction.~~

~~(b) Each day of violation constitutes a separate infraction.~~

SECTION 47. IC 14-38-2-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22. (a) An owner or operator who fails to comply with section 6, 10, or 11 of this chapter commits a Class C infraction.**

(b) The department may assess a civil penalty of not more than ten thousand dollars ($10,000) against an owner or operator who knowingly fails to comply with section 6, 10, or 11 of this chapter.

(c) A civil penalty assessed under this section shall be deposited in the oil and gas environmental fund established by IC 14-37-10-2.

SECTION 48. IC 33-37-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. In addition to any other duties, a clerk shall do the following:

(1) Collect and transfer additional judgments to a county auditor under IC 9-18-2-41.

(2) Deposit funds collected as judgments in the state highway fund under IC 9-20-18-12.

(3) Deposit funds in the conservation officers fish and wildlife fund under ~~IC 14-22-38-4, IC 14-22-38-5, and IC 14-22-40-8.~~ **IC 14-22.**

(4) Deposit funds collected as judgments in the state general fund under IC 34-28-5-4.

SECTION 49. IC 35-51-14-1, AS AMENDED BY P.L.289-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 14:

IC 14-9-8-19 (Concerning the department of natural resources).
IC 14-15-3-31 (Concerning watercraft).
IC 14-15-4-4 (Concerning watercraft accidents).
~~IC 14-15-9-8 (Concerning divers).~~
IC 14-15-11-11 (Concerning motorboat operators).
IC 14-15-12-13 (Concerning personal watercraft).
IC 14-16-1-29 (Concerning off-road vehicles).
IC 14-17-4-8 (Concerning property acquisition).
~~IC 14-21-1-16 (Concerning historic preservation and archeology).~~
IC 14-21-1-26 (Concerning historic preservation and archeology).
IC 14-21-1-26.5 (Concerning historic preservation and archeology).
IC 14-21-1-27 (Concerning historic preservation and archeology).
IC 14-21-1-28 (Concerning historic preservation and archeology).
IC 14-21-1-36 (Concerning historic preservation and archeology).
IC 14-21-2-5 (Concerning historic preservation and archeology).
IC 14-22-13-10 (Concerning commercial fishing licenses).
IC 14-22-17-4 (Concerning fish and wildlife).
IC 14-22-32-3 (Concerning fish and wildlife).
IC 14-22-34-12 (Concerning fish and wildlife).
IC 14-22-37-2 (Concerning fish and wildlife).
IC 14-22-37-3 (Concerning fish and wildlife).
IC 14-22-38-1 (Concerning fish and wildlife).
IC 14-22-38-3 (Concerning fish and wildlife).
IC 14-22-38-4 (Concerning fish and wildlife).
IC 14-22-38-4.5 (Concerning fish and wildlife).
IC 14-22-38-6 (Concerning fish and wildlife).
IC 14-22-40-6 (Concerning fish and wildlife).
IC 14-23-7-5 (Concerning forestry).
IC 14-24-11-4 (Concerning entomology and plant pathology).
~~IC 14-26-7-8 (Concerning lakes and reservoirs).~~
~~IC 14-27-6-52 (Concerning levees, dams, and drainage).~~
IC 14-29-8-5 (Concerning rivers, streams, and waterways).

IC 14-31-3-15 (Concerning nature preserves).
IC 14-31-3-16 (Concerning nature preserves).
IC 14-31-3-17 (Concerning nature preserves).
IC 14-31-3-19 (Concerning nature preserves).
IC 14-31-3-20 (Concerning nature preserves).
IC 14-31-3-21 (Concerning nature preserves).
IC 14-34-2-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-7 (Concerning surface coal mining and reclamation).
IC 14-37-4-15 (Concerning oil and gas).
IC 14-37-7-9 (Concerning oil and gas).
IC 14-37-8-1 (Concerning oil and gas).
IC 14-37-8-18 (Concerning oil and gas).
IC 14-37-11-4 (Concerning oil and gas).
~~IC 14-37-13-6 (Concerning oil and gas).~~

P.L.196-2014
[S.53. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 8-1.5-5-29, AS ADDED BY P.L.131-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) Subsections (c), (d), and (e) do not apply to a city that before January 1, 2005, adopted an ordinance establishing procedures for the collection of unpaid user fees under this chapter through the enforcement of a lien.

(b) Fees assessed against real property under this chapter constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (c) and (d), the lien attaches when notice of the lien is filed in the county recorder's

office under section 30 of this chapter.

(c) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If property is conveyed before a lien is filed, the department shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(d) A lien attaches against real property occupied by someone other than the owner only if the department notifies the owner ~~within~~ **not later than** twenty (20) days after the time the user fees ~~became~~ **become** sixty (60) days delinquent. ~~However, the department must give notice to the owner only if the owner has given the department written notice of the address to which to send notice.~~ **A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1) to:**

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the department, at which the owner requests to receive a notice of delinquency under this subsection. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

(e) The department shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser

has not been paid by the seller for the delinquent fees.

SECTION 2. IC 8-1.5-5-30, AS ADDED BY P.L.131-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) The board may defer enforcing the collection of unpaid fees and penalties assessed under this chapter until the unpaid fees and penalties have been due and unpaid for at least ninety (90) days. **However, in the case of property that is occupied by someone other than the owner, this subsection does not relieve the department of its duty under section 29(d) of this chapter to notify the owner not later than twenty (20) days after the time user fees become sixty (60) days delinquent.**

(b) Except as provided in subsection (k), the board shall enforce payment of fees imposed under this chapter. As often as the board determines necessary in a calendar year, the board shall prepare either of the following:

(1) A list of the delinquent fees and penalties that are enforceable under this section. The list must include the following:

(A) The name of the owner of each lot or parcel of real property on which fees are delinquent.

(B) A description of the premises, as shown by the records of the county auditor.

(C) The amount of the delinquent fees, together with the penalty.

(2) An individual instrument for each lot or parcel of real property on which the fees are delinquent.

(c) An officer of the board shall record a copy of each list or each individual instrument with the county recorder who shall charge a fee for recording the list or each individual instrument in accordance with the fee schedule established in IC 36-2-7-10. The officer shall mail by certified mail, or by another delivery service providing proof of delivery, to each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. A service charge of five dollars ($5), which is in addition to the recording fee charged under this subsection and under subsection (e), shall be added to each delinquent fee that is recorded.

(d) Using the lists and instruments prepared under subsection (b) and recorded under subsection (c), the board shall, not later than ten (10) days after the list or each individual instrument is recorded under

subsection (c), certify to the county auditor a list of the **unpaid** liens ~~that remain unpaid~~ for collection ~~in~~ **with** the next May **installment of property taxes.** The county and its officers and employees are not liable for any material error in the information on this list.

(e) The board shall release any recorded lien when the delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

(f) Upon receipt of the list under subsection (c), the county auditor of each county shall add a fifteen dollar ($15) certification fee for each lot or parcel of real property on which fees are delinquent. The fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the district the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due not later than the due date of the next May installment of property taxes. The county treasurer shall include any unpaid charges for the delinquent fee, penalty, service charge, recording fee, and certification fee to the owner or owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

(g) After certification of liens under subsection (d), the board may not collect or accept delinquent fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the county auditor.

(h) If a delinquent fee, penalty, service charge, recording fee, and certification fee are not paid, they shall be collected by the county treasurer in the same way that delinquent property taxes are collected.

(i) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all fees, charges, and penalties that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining fees and penalties due the district. The county treasurer shall retain the service charges and certification fees that have been collected and shall deposit them in the county general fund.

(j) Fees, penalties, and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll for a purchaser who, in the manner prescribed by section 29(e) of this chapter, files a verified demand with the county auditor.

(k) A board may write off a fee or penalty under subsection (a) that is less than forty dollars ($40).

SECTION 3. IC 34-57-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies to:

(1) any controversy existing between two (2) or more parties which might be the subject of a suit at law, except as otherwise provided in section 2 of this chapter; **and**

(2) arbitration under IC 36-4-3-21.1 concerning services provided by a municipal utility to properties located outside the corporate boundaries of the municipality.

SECTION 4. IC 36-4-3-21.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 21.1. (a) This section applies if:**

(1) one (1) or more contracts were entered into under section 21(a)(1) of this chapter between:

(A) the executive and an administrative agency of a municipality; and

(B) the owners or lessees of properties located outside the corporate boundaries of the municipality;

concerning the provision of municipal utility services in the area in which the properties referred to in clause (B) are located;

(2) the contracts have expired;

(3) the area in which the properties referred to in subdivision (1)(B) are located has not been annexed into the municipality; and

(4) the parties have not agreed:

(A) to an extension of the contracts referred to in subdivision (1); or

(B) to enter into new contracts under section 21(a)(1) of this chapter.

(b) In a situation described in subsection (a):

(1) municipal utility services to the properties referred to in subsection (a)(1)(B) may not be terminated, except for nonpayment of the compensation due under subdivision (2); and

(2) as a condition of continuing to receive municipal utility

services, the owners or lessees of the properties referred to in subsection (a)(1)(B) must continue to pay the rate charged for the municipal utility services under the expired contracts, including any payment or contribution of money to the municipality provided for in the expired contracts under section 21(a) of this chapter;

for the period specified in subsection (c)(1) or until the occurrence of one (1) of the events set forth in subsection (c)(2).

(c) The municipal utility services shall continue to be provided to the properties referred to in subsection (a)(1)(B) under the terms set forth in subsection (b):

(1) for a period of two (2) years from the date of expiration of the contracts, if none of the events set forth in subdivision (2)(A) through (2)(C) occurs within that period; or

(2) until one (1) of the following occurs:

(A) The executive and administrative agency of the municipality and the owners or lessees of the properties referred to in subsection (a)(1)(B) enter into a new contract under section 21(a)(1) of this chapter.

(B) The area in which the properties referred to in subsection (a)(1)(B) are located is annexed into the municipality.

(C) Subject to subsection (e), arbitration of the matter is initiated under subsection (d).

(d) At any time within the period referred to in subsection (c)(1):

(1) the executive and administrative agency of the municipality; and

(2) the owners or lessees of the properties referred to in subsection (a)(1)(B);

may initiate arbitration of the differences preventing the parties from entering into a new contract under section 21(a)(1) of this chapter. The arbitration shall be conducted under IC 34-57-1 by an arbitrator mutually chosen by the parties, and the award made by the arbitrator must establish reasonable and just terms of a new contract between the parties under section 21(a)(1) of this chapter, considering all relevant factors. If either party fails or refuses to enter into a new contract under section 21(a)(1) of this chapter according to the terms of the award, the other party may

commence legal action to enforce the award under IC 34-57-1-13.

(e) If arbitration is initiated under subsection (d) before the expiration of the period referred to in subsection (c)(1), but the arbitration is not concluded before the expiration of the period set forth in subsection (c)(1), the municipal utility services shall continue to be provided to the properties referred to in subsection (a)(1)(B) under the terms set forth in subsection (b) until the arbitrator makes the award and the parties enter into a new contract under section 21(a)(1) of this chapter according to the terms of the award.

SECTION 5. IC 36-9-23-25, AS AMENDED BY P.L.114-2008, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) Subject to section 37 of this chapter, the municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which the fees are due.

(b) Just and equitable fees are the fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service. The fees must be sufficient to:

(1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;

(2) provide the sinking fund required by section 21 of this chapter;

(3) provide adequate money to be used as working capital; and

(4) provide adequate money for improving and replacing the works.

Fees established after notice and hearing under this chapter are presumed to be just and equitable.

(c) **Except as otherwise provided in a provision included in an ordinance under subsection (f),** the fees are payable by the owner of each lot, parcel of real property, or building that:

(1) is connected with the sewage works by or through any part of the municipal sewer system; or

(2) uses or is served by the works.

Unless the municipal legislative body finds otherwise, the works are considered to benefit every lot, parcel of real property, or building

connected or to be connected with the municipal sewer system as a result of construction work under the contract, and the fees shall be billed and collected accordingly.

(d) The municipal legislative body may use one (1) or more of the following factors to establish the fees:

(1) A flat charge for each sewer connection.

(2) The amount of water used on the property.

(3) The number and size of water outlets on the property.

(4) The amount, strength, or character of sewage discharged into the sewers.

(5) The size of sewer connections.

(6) Whether the property has been or will be required to pay separately for any part of the sewage works.

(7) Whether the property, although vacant or unimproved, is benefited by a local or lateral sewer because of the availability of that sewer. However, the owner must have been notified, by recorded covenants and restrictions or deed restrictions in the chain of title of ~~his~~ **the owner's** property, that a fee or assessment for sewer availability may be charged, and the fee may reflect only the capital cost of the sewer and not the cost of operation and maintenance of the sewage works.

(8) The cost of collecting, treating, and disposing of garbage in a sanitary manner, including equipment and wages.

(9) The amount of money sufficient to compensate the municipality for the property taxes that would be paid on the sewage works if the sewage works were privately owned.

(10) Any other factors the legislative body considers necessary.

Fees collected under subdivision (8) may be spent for that purpose only after compliance with all provisions of the ordinance authorizing the issuance of the revenue bonds for the sewage works. The board may transfer fees collected in lieu of taxes under subdivision (9) to the general fund of the municipality.

(e) The municipal legislative body may exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, based on variations in:

(1) the costs, including capital expenditures, of furnishing services to various classes of users or to various locations; or

(2) the number of users in various locations.

(f) Notwithstanding IC 14-33-5-21, this subsection does not apply to a conservancy district established under IC 14-33 for the collection, treatment, and disposal of sewage and other liquid wastes. In an ordinance adopted under this section, the municipal legislative body may include one (1) or more of the following provisions with respect to property occupied by someone other than the owner of the property:

(1) That fees for the services rendered by the sewage works to the property are payable by the person occupying the property. At the option of the municipal legislative body, the ordinance may include any:

(A) requirement for a deposit to ensure payment of the fees by the person occupying the property; or

(B) other requirement to ensure the creditworthiness of the person occupying the property as the account holder or customer with respect to the property;

that the municipal legislative body may lawfully impose.

(2) That the fees for the services rendered by the sewage works to the property are payable by the person occupying the property if one (1) of the following conditions is satisfied:

(A) Either the property owner or the person occupying the property gives to the general office of the utility written notice that indicates that the person occupying the property is responsible for paying the fees with respect to the property and requests that the account or other customer or billing records maintained for the property be in the name of the person occupying the property. At the option of the municipal legislative body, the ordinance may provide that a document that:

(i) is executed by the property owner and the person occupying the property;

(ii) identifies the person occupying the property by name; and

(iii) indicates that the person occupying the property is responsible for paying the fees assessed by the utility with respect to the property;

serves as written notice for purposes of this clause.

(B) The account or other customer or billing records maintained by the utility for the property otherwise

indicate that:

(i) the property is occupied by someone other than the owner; and

(ii) the person occupying the property is responsible for paying the fees.

(C) The property owner or the person occupying the property satisfies any other requirements or conditions that the municipal legislative body includes in the ordinance.

(3) That fees assessed against the property for the services rendered by the sewage works to the property do not constitute a lien against the property, notwithstanding section 32 of this chapter, and subject to any requirements or conditions set forth in the ordinance.

This subsection may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under this section any other provision that the municipal legislative body considers appropriate.

SECTION 6. IC 36-9-23-32, AS AMENDED BY P.L.113-2010, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) **Except as otherwise provided in a provision included in an ordinance under section 25(f)(3) of this chapter,** fees assessed against real property under this chapter or under any statute repealed by IC 19-2-5-30 **(repealed September 1, 1981)** constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (b) and (c), the lien attaches when notice of the lien is filed in the county recorder's office under section 33 of this chapter.

(b) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(c) **Except as otherwise provided in a provision included in an ordinance under section 25(f)(3) of this chapter,** a lien attaches against real property occupied by someone other than the owner only if the utility ~~notified~~ **notifies** the owner ~~within~~ **not later than** twenty (20) days after the time the utility fees ~~became~~ **become** sixty (60) days delinquent. ~~However, the utility is required to give notice to the owner if the owner has given the general office of the utility written notice of the address to which the owner's notice is to be sent.~~ A notice sent to the owner under this subsection must be sent by ~~certified mail, return receipt requested, or~~ **first class mail or by certified mail, return receipt requested (or** an equivalent service permitted under IC 1-1-7-1) to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice **of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection.** The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

(d) The municipality shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner, and that the purchaser has not been paid by the seller for the delinquent fees.

SECTION 7. IC 36-9-23-33, AS AMENDED BY P.L.39-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. **(a) Subsections (c) through (l) do not apply to unpaid fees and penalties assessed against property occupied by someone other than the property owner if:**

(1) the municipal legislative body has adopted an ordinance provision described in section 25(f) of this chapter concerning property occupied by someone other than the property

owner;

(2) the ordinance provision described in section 25(f) of this chapter provides that fees assessed against the property for services rendered by the sewage works to the property do not constitute a lien against the property, as described in section 25(f)(3) of this chapter; and

(3) any requirements or conditions:

(A) described in section 25(f)(1) or 25(f)(2) of this chapter; and

(B) included in the ordinance;

have been satisfied.

~~(a)~~ **(b)** An officer described in subsection ~~(b)~~ **(c)** may defer enforcing the collection of unpaid fees and penalties assessed under this chapter until the unpaid fees and penalties have been due and unpaid for at least ninety (90) days. **However, in the case of property that is occupied by someone other than the owner, this subsection does not relieve the utility of its duty under section 32(c) of this chapter to notify the owner not later than twenty (20) days after the time user fees become sixty (60) days delinquent.**

~~(b)~~ **(c)** Except as provided in subsection ~~(l),~~ **(m),** the officer charged with the collection of fees and penalties assessed under this chapter shall enforce their payment. As often as the officer determines is necessary in a calendar year, the officer shall prepare either of the following:

(1) A list of the delinquent fees and penalties that are enforceable under this section, which must include the following:

(A) The name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent.

(B) A description of the premises, as shown by the records of the county auditor.

(C) The amount of the delinquent fees, together with the penalty.

(2) An individual instrument for each lot or parcel of real property on which the fees are delinquent.

~~(c)~~ **(d)** The officer shall record a copy of each list or each individual instrument with the county recorder who shall charge a fee for recording the list or each individual instrument in accordance with the fee schedule established in IC 36-2-7-10. The officer shall then mail to

each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. Except for a county having a consolidated city, a service charge of five dollars ($5), which is in addition to the recording fee charged under this subsection and under subsection ~~(f),~~ **(g),** shall be added to each delinquent fee that is recorded.

~~(d)~~ **(e)** This subsection applies only to a county containing a consolidated city. Using the lists and instruments prepared under subsection ~~(b)~~ **(c)** and recorded under subsection ~~(c),~~ **(d),** the officer shall certify to the county auditor, **according to a schedule agreed upon by the county treasurer and the officer,** a list of the **unpaid** liens ~~that remain unpaid according to a schedule agreed upon by the county treasurer and the officer~~ for collection with the next cycle's property tax installment. The county and its officers and employees are not liable for any material error in the information on the list.

~~(e)~~ **(f) This subsection applies to a county not described in subsection (e).** Using the lists and instruments prepared under subsection ~~(b)~~ **(c)** and recorded under subsection ~~(c),~~ **(d),** the officer shall, not later than ten (10) days after the list or each individual instrument is recorded under subsection ~~(c),~~ **(d),** certify to the county auditor a list of the **unpaid** liens ~~that remain unpaid~~ for collection ~~in~~ **with** the next May **installment of property taxes.** The county and its officers and employees are not liable for any material error in the information on this list.

~~(f)~~ **(g)** The officer shall release any recorded lien when the delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

~~(g)~~ **(h)** On receipt of the list under subsection (e) **or (f),** the county auditor of each county shall add a fifteen dollar ($15) certification fee for each lot or parcel of real property on which fees are delinquent, which fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the municipality the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due not later than the due date of the next **cycle's** installment of property taxes. The county treasurer shall then include any unpaid charges for the delinquent fee, penalty, service charge, recording fee, and certification fee to the owner or

owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

~~(h)~~ **(i)** After certification of liens under subsection ~~(e)~~ **(f),** the officer may not collect or accept delinquent fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the county auditor. This subsection does not apply to a county containing a consolidated city.

~~(i)~~ **(j)** If a delinquent fee, penalty, service charge, recording fee, and certification fee are not paid, they shall be collected by the county treasurer in the same way that delinquent property taxes are collected.

~~(j)~~ **(k)** At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all fees, charges, and penalties that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining fees and penalties due the municipality. The county treasurer shall retain the service charges and certification fees that have been collected, and shall deposit them in the county general fund.

~~(k)~~ **(l)** Fees, penalties, and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll for a purchaser who, in the manner prescribed by section 32(d) of this chapter, files a verified demand with the county auditor.

~~(l)~~ **(m)** A board may write off a fee or penalty under subsection ~~(a)~~ **(b)** that is for less than forty dollars ($40).

SECTION 8. IC 36-9-25-11, AS AMENDED BY P.L.168-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) In connection with its duties, the board may fix fees for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service. The fees must be just and equitable and shall be paid by any user of the sewage works and, **except as otherwise provided in an ordinance provision described in subsection (l),** the owner of every lot, parcel of real property, or building that is connected with and uses the sewage works of the district by or through any part of the sewerage system. This section applies to owners of property that is partially or wholly exempt from taxation, as well as owners of property subject to full taxation.

(b) The board may change fees from time to time. The fees, together with the taxes levied under this chapter, must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses, to pay the principal and interest on bonds as they become due and payable, and to provide money for the revolving fund authorized by this chapter.

(c) Fees may not be established until a public hearing has been held at which all the users of the sewage works and owners of property served or to be served by the works, including interested parties, have had an opportunity to be heard concerning the proposed fees. After introduction of the resolution fixing fees, and before they are finally adopted, notice of the hearing setting forth the proposed schedule of fees shall be given by publication in accordance with IC 5-3-1. After the hearing the resolution establishing fees, either as originally introduced or as amended, shall be passed and put into effect. However, fees related to property that is subject to full taxation do not take effect until they have been approved by ordinance of the municipal legislative body or, in the case of a district described in section 3(b)(2) of this chapter, under section 11.3 of this chapter.

(d) A copy of the schedule of the fees shall be kept on file in the office of the board and must be open to inspection by all interested parties. The fees established for any class of users or property served shall be extended to cover any additional premises thereafter served that fall within the same class, without the necessity of hearing or notice.

(e) A change of fees may be made in the same manner as fees were originally established. However, if a change is made substantially pro rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required, and, in the case of a district described in section 3(b)(2) of this chapter, approval under section 11.3 of this chapter is required.

(f) If a fee established is not paid within thirty (30) days after it is due, **the board may recover, in a civil action in the name of the municipality,** the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee ~~may be recovered by the board~~ from:

(1) the delinquent user; or

(2) the owner of the property;

~~served in a civil action in the name of the municipality.~~ **subject to any**

ordinance described in subsection (l).

(g) **Except as otherwise provided in subsection (h) or in an ordinance provision described in subsection (l),** fees assessed against real property under this section also constitute a lien against the property assessed. The lien attaches at the time of the filing of the notice of lien in the county recorder's office. The lien is superior to all other liens except tax liens, and shall be enforced and foreclosed in the same manner as is provided for liens under IC 36-9-23-33 and IC 36-9-23-34.

(h) A fee assessed against real property under this section constitutes a lien against the property assessed only when the fee is delinquent for no more than three (3) years from the day after the fee is due.

(i) In addition to the:

(1) penalties under subsections (f) and (g); ~~and~~ **or**

(2) alternative penalty available under section 11.5 of this chapter;

a delinquent user may not discharge water into the public sewers and may have the property disconnected from the public sewers.

(j) The authority to establish a user fee under this section includes fees to recover the cost of construction of sewage works from industrial users as defined and required under federal statute or rule. Any industrial users' cost recovery fees may become a lien upon the real property and shall be collected in the manner provided by law. In addition, the imposition of the fees, the use of the amounts collected, and the criteria for the fees must be consistent with the regulations of the federal Environmental Protection Agency.

(k) The authority to establish a user fee under this section includes fees to recover the costs associated with providing financial assistance under section 42 of this chapter. A fee that is:

(1) established under this subsection or any other law; and

(2) used to provide financial assistance under section 42 of this chapter;

is considered just and equitable if the project for which the financial assistance is provided otherwise complies with the requirements of this chapter.

(l) For purposes of this subsection, "municipal legislative body" refers to the legislative body of each municipality in the district, in

the case of a district described in section 3(b)(2) of this chapter. This subsection does not apply to a conservancy district established under IC 14-33 for the collection, treatment, and disposal of sewage and other liquid wastes. In an ordinance adopted under this chapter, the municipal legislative body may include one (1) or more of the following provisions with respect to property occupied by someone other than the owner of the property:

(1) That fees for the services rendered by the sewerage system to the property are payable by the person occupying the property. At the option of the municipal legislative body, the ordinance may include any:

(A) requirement for a deposit to ensure payment of the fees by the person occupying the property; or

(B) other requirement to ensure the creditworthiness of the person occupying the property as the account holder or customer with respect to the property;

that the municipal legislative body may lawfully impose.

(2) That the fees for the services rendered by the sewerage system to the property are payable by the person occupying the property if one (1) of the following conditions is satisfied:

(A) Either the property owner or the person occupying the property gives to the board written notice that indicates that the person occupying the property is responsible for paying the fees with respect to the property and requests that the account or other customer or billing records maintained for the property be in the name of the person occupying the property. At the option of the municipal legislative body, the ordinance may provide that a document that:

(i) is executed by the property owner and the person occupying the property;

(ii) identifies the person occupying the property by name; and

(iii) indicates that the person occupying the property is responsible for paying the fees assessed by the board with respect to the property;

serves as written notice for purposes of this clause.

(B) The account or other customer or billing records maintained by the board for the property otherwise

indicate that:

(i) the property is occupied by someone other than the owner; and

(ii) the person occupying the property is responsible for paying the fees.

(C) The property owner or the person occupying the property satisfies any other requirements or conditions that the municipal legislative body includes in the ordinance.

(3) That fees assessed against the property for the services rendered by the sewerage system to the property do not constitute a lien against the property, notwithstanding subsection (g), and subject to any requirements or conditions set forth in the ordinance.

This subsection may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under this chapter any other provision that the municipal legislative body considers appropriate.

P.L.197-2014
[S.271. Approved March 27, 2014.]

AN ACT concerning natural resources.

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

SECTION 1. [EFFECTIVE APRIL 1, 2014] **(a) The general assembly urges the legislative council to assign to the appropriate committee the following responsibilities for the 2014 legislative interim:**

(1) Receive testimony and information from the Indiana utility regulatory commission created by IC 8-1-1-2 concerning the findings presented by the commission in its

most recent report to the legislative council under IC 8-1-30.5-3(c)(1).

(2) Receive testimony on the effect that the relative availability of water resources has upon state and regional economic development decisions.

(3) Receive testimony concerning ways in which state government agencies could better coordinate their activities relating to the management of water resources.

(4) Receive testimony concerning ways in which state and local governments can better coordinate their activities relating to the management of water resources.

(5) Receive testimony concerning the unique water resource challenges facing rural Indiana and, in particular, the agricultural community, including aquifer withdrawals, surface water concerns, and inter-basin transfers.

(6) Receive testimony that evaluates:

(A) the recommendations set forth by the Indiana utility regulatory commission in its most recent report to the legislative council under IC 8-1-30.5-3(c)(1); and

(B) other recommendations concerning Indiana's water resources.

(7) Receive testimony on the key elements that a state water plan should contain.

(8) Study the potential creation of a water institute.

(9) Study the potential creation of a water management authority.

(b) This SECTION expires December 31, 2014.

SECTION 2. **An emergency is declared for this act.**

P.L.198-2014
[S.312. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning gaming.

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

SECTION 1. IC 4-30-5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. If a person files a petition to assign a lottery prize payment under IC 34-28-9.2 and the person has had debts to a state agency, the director shall:**

(1) investigate whether the person has any outstanding debts to a state agency; and

(2) submit a letter, within fifteen (15) days after receiving the petition, to the petitioner and the court in which the petition is filed that:

(A) references the cause number of the petition to assign a lottery prize payment; and

(B) states whether the person has or has not satisfied debts to a state agency.

SECTION 2. IC 4-30-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) Except as provided in section 2.5 of this chapter,** the right of any person to a prize is not assignable.

(b) A prize may be paid to the estate of a deceased prize winner or to a person designated under an appropriate judicial order.

SECTION 3. IC 4-30-11-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. (a) The right of a person to a prize is assignable if the prize is paid by the commission in installments over time.**

(b) A prize described in subsection (a) may be assigned, in whole or in part, if the assignment is made to a person or entity approved by a court based on a petition filed under IC 34-28-9.2.

(c) A prize payment may not be assigned to more than three (3) individuals or entities and a prize winner may not initiate more than three (3) assignment transactions in any single year.

(d) If more than one (1) person owns a prize payment, any assignment of the prize payment or payments must be made by each of the individuals who own the prize payment or payments.

(e) A prize payment or payments cannot be assigned until all debts listed in section 11 of this chapter are satisfied.

(f) A prize payment or any portion of a prize payment may not be assigned more than three (3) times unless the commission consents to an additional assignment. An assignment and reassignment of a prize payment or payments to one (1) individual or entity under a court order entered under a petition filed under IC 34-28-9.2 shall be considered a single assignment.

(g) The commission may charge a reasonable fee to the assignee to defray the cost of any administrative expenses associated with assignments approved by a court under IC 34-28-9.2. The fee may include the cost to the commission of a reasonable processing fee charged by a private annuity provider based on the direct and indirect costs of processing the assignment.

(h) A person who enters into a contract to assign a prize payment or payments under this section may cancel the contract assigning the person's prize payment or payments within three (3) business days after the date the contract assigning the prize payment or payments is signed.

(i) A contract assigning a prize payment or payments under this section and entered into before July 1, 2014, is unenforceable and invalid.

SECTION 4. IC 4-30-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The commission is discharged of all liability upon payment of a prize **payments, including a prize payments that has been assigned under section 2.5 of this chapter.**

SECTION 5. IC 4-30-11-11, AS AMENDED BY P.L.172-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. **(a) As used in this section, "debt" means an obligation that is evidenced by an assessment or lien issued by a state agency, a judgment, or a final order of an administrative agency.**

~~(a)~~ **(b)** The treasurer of state, the department of state revenue, the department of administration, the Indiana department of transportation, the attorney general, **the department of child services,** and the courts shall identify to the commission, in the form and format prescribed by the commission and approved by the auditor of state, a person who:

(1) owes an outstanding debt to a state agency;

(2) is on the department of state revenue's most recent tax warrant list; or

(3) owes **past due** child support collected and paid to a recipient through a court.

~~(b)~~ **(c)** Before the payment of a prize of more than five hundred ninety-nine dollars ($599) to a claimant identified under subsection ~~(a),~~ **(b),** the commission shall deduct the amount of the obligation from the prize money and transmit the deducted amount to the auditor of state. The commission shall pay the balance of the prize money to the prize winner after deduction of the obligation. If a prize winner owes multiple obligations subject to offset under this section and the prize is insufficient to cover all obligations, the amount of the prize shall be applied as follows:

(1) First, to the child support obligations **past due and** owed by the prize winner that are collected and paid to a recipient through a court.

(2) Second, to judgments owed by the prize winner.

(3) Third, to tax liens owed by the prize winner.

(4) Fourth, to unsecured debts owed by the prize winner **to a state agency.**

Within each of the categories described in subdivisions (1) through (4), the amount and priority of the prize shall be applied in the manner that the auditor of state determines to be appropriate. The commission shall reimburse the auditor of state pursuant to an agreement under IC 4-30-15-5 for the expenses incurred by the auditor of state in carrying out the duties required by this section.

~~(c) As used in this section, "debt" means an obligation that is evidenced by an assessment or lien issued by a state agency, a judgment, or a final order of an administrative agency.~~

SECTION 6. IC 34-28-9.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 9.2. Assignment of Lottery Prizes

Sec. 1. (a) As set forth in IC 4-30-11-2.5, a person who has won a prize from the state lottery commission created under IC 4-30-3 may file a verified petition with the Marion circuit court to approve the assignment of a prize payment or payments.

(b) A verified petition filed under this section must include:

(1) statements that the person understands:

(A) the assignment of the prize payment or payments is voluntary; and

(B) their right to solicit multiple bids for their prize payments;

(2) a statement explaining to whom the prize payment or payments would be assigned;

(3) a statement that the person is of sound mind, is in full command of the person's faculties, and is not acting under duress;

(4) a statement detailing that the person has had the opportunity to receive or has received legal, financial, and tax advice from a person or entity other than the person or entity that would be assigned the prize payment or payments;

(5) a statement that the person understands that the person will not receive the future payment or payments of the prize after a prize payment or prize payments are assigned;

(6) a statement that the person understands that, with regard to the assigned payments of the prize, the state lottery commission and its employees are not liable to make any future payments to the person that are subject to an assignment made under IC 4-30-11-2.5;

(7) a statement that the person understands that the person may cancel the contract assigning the person's prize payment or payments within three (3) business days after the date the contract assigning the prize payment or payments is signed;

(8) details of the proposed assignment, including:

(A) the amount of the prize payments assigned;

(B) the dates the prize payments are assigned;

(C) the purchase price of the prize payments assigned;

(D) the rate of discount to present value, assuming daily compounding and funding on the contract date; and

(E) the amount, if any, of any origination or closing fees

charged to the person;

(9) a statement detailing whether the person:

(A) owes child support;

(B) owes money as part of a judgment or garnishment;

(C) has not satisfied an order for criminal restitution; or

(D) owes any debt to an Indiana state agency that has provided written notice to the person regarding the debt;

(10) a sworn affirmation that the contents of the petition are true; and

(11) a statement that the person has had an adequate opportunity to receive multiple bids to assign their prize payment or payments.

Sec. 2. If a petition filed under section 1 of this chapter indicates that the petitioner has one (1) or more current child support obligations and the Title IV-D agency has entered an appearance:

(1) the court shall consider ordering the petitioner to secure a bond under IC 31-16-3.5 for the purpose of insuring the future payment of child support obligations; and

(2) if the purchase price of the payments assigned under section (1)(b)(8) is insufficient to secure a child support bond, then the court shall consider denying the petition.

Sec. 3. If a court finds that a prize payment or payments from the state lottery commission may be assigned based on a petition filed under section 1 of this chapter and IC 4-30-11-2.5, the court shall issue an order approving the prize payment assignment. The order must include a statement that the petitioner:

(1) has filed a verified petition under section 1 of this chapter;

(2) understands:

(A) the assignment of the prize payment or payments is voluntary;

(B) to whom the prize payment or payments will be assigned;

(C) the person will not receive future payments that are subject to an assignment made under IC 4-30-11-2.5;

(D) the state lottery commission and its employees are not liable to make any prize payments to the person that are assigned to another individual or entity under IC 4-30-11-2.5; and

(E) that the person may cancel the contract assigning the

person's prize payment or payments within three (3) business days after the date the contract assigning the prize payment or payments is signed;

(3) is of sound mind, is in full command of the person's faculties, and is not acting under duress;

(4) has received or has had the opportunity to receive legal, financial, and tax advice from a person or entity other than the person or entity that would be assigned the prize payment or payments;

(5) has no debts to state agencies or has satisfied all past debts to state agencies; and

(6) has received, prior to signing the contract assigning the prize payment or payments, a written disclosure statement, on a separate piece of paper, in bold type with a font at least fourteen (14) points, stating the details of the proposed assignment, including:

(A) the amount of the prize payment or payments assigned;

(B) the dates of the prize payment or payments assigned;

(C) the purchase price of the prize payment or payments assigned;

(D) the rate of discount to present value, assuming daily compounding and funding on the contract date; and

(E) the amount, if any, of any origination or closing fees charged to the person.

Sec. 4. A person filing a petition under this chapter shall serve a copy of the petition on the state lottery commission's director and the child support bureau established by IC 31-25-3-1.

Sec. 5. If a court schedules a hearing on a petition filed under this chapter, the court shall notify the state lottery commission's director, the child support bureau established by IC 31-25-3-1, and the petitioner at least twenty (20) days before the hearing date.

Sec. 6. (a) The state lottery commission and the child support bureau established by IC 31-25-3-1 are not required to respond to a petition filed under this chapter.

(b) The state lottery commission and the child support bureau established by IC 31-25-3-1 may file a response to a petition filed under this chapter and may participate in any hearings, if any, on petitions filed under this chapter.

Sec. 7. If a court approves a prize payment assignment under

this chapter, the court shall provide a copy of the order to the state lottery commission within twenty (20) days of the order being entered and at least thirty (30) days before the first assigned payment is to be made to the assignee.

Sec. 8. The person to whom a prize payment or payments from the state lottery commission is assigned must provide the information that the state lottery commission determines is necessary to make the assignment of the prize payment or payments, including the person's correct name, the person's appropriate address, and the necessary tax identification numbers and information.

Sec. 9. (a) If the Internal Revenue Service or a court issues a determination letter, revenue ruling, other public ruling of the Internal Revenue Service, or a published decision to the commission or any lottery winner, declaring that the voluntary assignment of prizes will affect the federal income tax treatment of a prize winner who does not assign the winner's prize payment or payments, the state lottery commission shall file a copy of the letter, ruling, or decision with the attorney general's office and the Indiana judicial center. A court may not issue an order authorizing a voluntary assignment of a prize after the date the ruling, letter, or published decision is filed.

(b) If a determination letter, revenue ruling, other public ruling, or published decision is issued under subsection (a), the Internal Revenue Service or the court that issued the document shall send a certified copy of the document to the director of the commission.

Sec. 10. If the department of state revenue issues a determination, ruling, or finding to the commission or any lottery winner declaring that the voluntary assignment of a prize will reduce the state income tax due on the prize, the department of state revenue shall file the determination, ruling, or finding with the lottery commission, the attorney general's office, and the Indiana judicial center. A court may not issue an order authorizing a voluntary assignment of a prize after the date the determination, ruling, or finding is filed.

P.L.199-2014
[S.359. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-18-10-1, AS AMENDED BY P.L.1-2010, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** A person may not start:

(1) construction of a confined feeding operation; or

(2) expansion of a confined feeding operation that increases:

(A) animal capacity; or

(B) manure containment capacity; or

(C) both;

without obtaining the prior approval of the department.

(b) A person may not operate a confined feeding operation without obtaining the prior approval of the department.

SECTION 2. IC 13-18-10-2, AS AMENDED BY P.L.127-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) **An** application for **an** approval under section 1 of this chapter ~~of the construction or expansion of a confined feeding operation~~ must be ~~made on a form~~ **submitted on a form** provided by the department. An applicant must submit the completed application form to the department together with the following:

(1) Plans and specifications for the design and operation of manure treatment and control facilities.

(2) A manure management plan that outlines procedures for the following:

(A) Soil testing.

(B) Manure testing.

(3) Maps of manure application areas.

(4) Supplemental information that the department requires, including the following:

(A) General features of topography.

(B) Soil types.

(C) Drainage course.

(D) Identification of nearest streams, ditches, and lakes.

(E) Location of field tiles.

(F) Location of land application areas.

(G) Location of manure treatment facilities.

(H) Farmstead plan, including the location of water wells on the site.

(5) A fee of one hundred dollars ($100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(b) An applicant who applies for **an** approval under section 1 of this chapter ~~to construct or expand a confined feeding operation on land for which a valid existing approval has not been issued~~ shall, ~~make a reasonable effort to provide notice~~ not more than ten (10) working days after submitting ~~an~~ **the** application, **make a reasonable effort to provide notice under this subsection:**

(1) to the county executive of the county in which the confined feeding operation is to be located or expanded; and

(2) to each owner and each occupant of land of which any part of the boundary is one-half (1/2) mile or less from the following:

(A) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation is to be located:

(i) A livestock or poultry production structure.

(ii) A permanent manure storage facility.

(B) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation is to be expanded:

(i) A livestock or poultry production structure.

(ii) The expanded area of a livestock or poultry production structure.

The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall

submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) A person must submit an application for the renewal of an approval to:

(1) operate a confined feeding operation; or

(2) complete construction or expansion of a confined feeding operation;

at least thirty (30) days prior to the expiration of the existing approval. The construction standards that apply to a renewal application under this subsection shall be the standards in place under rules adopted by the board at the time that the original approval for construction or expansion of a confined feeding operation was issued.

(d) A person who has received approval to construct or expand a confined feeding operation under section 1 of this chapter and has not begun construction or expansion within thirty (30) days of the expiration of the approval must:

(1) submit a renewal application for construction or expansion at least thirty (30) days prior to the expiration of the approval; and

(2) comply with the requirements of subsection (b).

The construction standards that apply to a renewal application under this subsection shall be the standards in place under rules adopted by the board at the time that the renewal application is submitted.

~~(c)~~ **(e)** ~~Plans and specifications for manure treatment or control facilities for a confined feeding operation must secure the approval of the department.~~ The department shall approve the construction or expansion and the operation of the manure management system of the confined feeding operation if the commissioner determines that the applicant meets the requirements of:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations.

SECTION 3. IC 13-18-10-2.1, AS AMENDED BY P.L.127-2009,

SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) The department:

(1) shall make a determination on an application ~~made~~ **submitted** under section 2 of this chapter not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to a longer time; and

(2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

(1) continue to review the application;

(2) approve or deny the application as soon as practicable; and

(3) refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if the department determines within thirty (30) days after the department receives the application that the application is incomplete and has mailed a notice of deficiency to the applicant that specifies the parts of the application that:

(1) do not contain adequate information for the department to process the application; or

(2) are not consistent with applicable law.

(d) The department may establish requirements in an approval regarding that part of the confined feeding operation that concerns manure handling and application to assure compliance with:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations.

(e) Subject to subsection (f), the commissioner may deny an

application upon making either or both of the following findings:

(1) A responsible party intentionally misrepresented or concealed any material fact in either or both of the following:

(A) An application for approval under section 1 of this chapter.

(B) A disclosure statement required by section 1.4 of this chapter.

(2) An enforcement action was resolved against a responsible party as described in either or both of the following:

(A) Section 1.4(c)(5) of this chapter.

(B) Section 1.4(c)(6) of this chapter.

(f) Before making a determination to approve or deny an application, the commissioner must consider the following factors:

(1) The nature and details of the acts attributed to the responsible party.

(2) The degree of culpability of the responsible party.

(3) The responsible party's cooperation with the state, federal, or foreign agencies involved in the investigation of the activities involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.

(4) The responsible party's dissociation from any other persons or entities convicted in a criminal enforcement action referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.

(5) Prior or subsequent self-policing or internal education programs established by the responsible party to prevent acts, omissions, or violations referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.

(g) Except as provided in subsection (h), in taking action under subsection (e), the commissioner must make separately stated findings of fact to support the action taken. The findings of fact must:

(1) include a statement of ultimate fact; and

(2) be accompanied by a concise statement of the underlying basic facts of record to support the findings.

(h) If the commissioner denies an application under subsection (e), the commissioner is not required to explain the extent to which any of the factors set forth in subsection (f) influenced the denial.

(i) The department may amend an approval under section 1 of this chapter or revoke an approval under section 1 of this chapter:

(1) for failure to comply with:

(A) this chapter;

(B) rules adopted under this chapter;

(C) the water pollution control laws; or

(D) rules adopted under the water pollution control laws; and

(2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

SECTION 4. IC 13-18-10-2.2, AS AMENDED BY P.L.127-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) ~~If an applicant receives an approval under this chapter and completes construction or expansion,~~ Not more than thirty (30) days after ~~the date the applicant completes~~ the **completion of** construction or expansion **of a confined feeding operation,** the applicant shall execute and send to the department an affidavit that affirms under penalties of perjury that the confined feeding operation:

(1) was constructed or expanded; and

(2) will be operated;

in accordance with the requirements of the department's approval.

(b) ~~Construction or expansion of an approved confined feeding operation must:~~

~~(1) begin not later than two (2) years; and~~

~~(2) be completed not later than four (4) years;~~

~~after the date the department approves the construction or expansion of the confined feeding operation or the date all appeals brought under IC 4-21.5 concerning the construction or expansion of the confined feeding operation have been completed, whichever is later.~~ **An approval to construct or expand a confined feeding operation shall remain in effect as the operating approval for the duration of the permit term if construction or expansion is completed prior to the end of the permit term under which the confined feeding operation was constructed or expanded.**

SECTION 5. IC 13-18-10-2.3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2.3. A confined feeding operation must submit a manure management plan that outlines procedures for soil testing, manure testing, and maps of manure application areas to the department at least one (1) time every five (5) years to maintain valid approval for the confined feeding operation under this chapter.~~

SECTION 6. IC 13-18-10.5-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3. (a) An applicant who applies for approval under section 1 of this chapter to construct or expand a satellite manure storage structure shall make a reasonable effort to provide notice not more than ten (10) working days after submitting an application for approval to:**

(1) the county executive of the county in which the satellite manure storage structure is to be constructed or expanded; and

(2) each owner and each occupant of land of which any part of the boundary is one-half (1/2) mile or less from any part of the proposed footprint of the satellite manure storage structure.

(b) The notice described in subsection (a) must:

(1) be in writing;

(2) be sent by mail; and

(3) include the following:

(A) The date the application was submitted to the department.

(B) A brief description of the subject of the application.

(c) An applicant shall pay the costs of complying with this section.

SECTION 7. IC 13-20-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter applies to composting **(as defined in IC 13-11-2-38)** of vegetative matter ~~resulting from landscaping maintenance and land clearing projects.~~ **and other organic material.**

(b) This chapter does not apply to the following:

(1) A person who conducts a composting operation at the person's residence or farm for vegetative matter and other types of organic material that are:

(A) generated by the person's activities; and

(B) stored, treated, or disposed of at the person's residence or farm.

(2) A person who conducts a composting operation that processes less than two thousand (2,000) pounds of vegetative matter during a year.

(3) Temporary stores of vegetative matter where only an incidental amount of composting will occur before removal of the matter.

SECTION 8. IC 13-20-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person may operate a composting facility ~~for vegetative matter~~ only if the person registers the composting facility with the department.

SECTION 9. IC 13-20-10-3, AS AMENDED BY P.L.133-2012, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. To register a composting facility ~~for vegetative matter~~ with the department, a person must submit an application to the department that contains the following:

(1) A:

(A) legal description; and

(B) topographic map;

of the site on which the composting facility will be located.

(2) A description of the composting facility that indicates the area to be served by the composting operation.

(3) An estimate of the volume of materials that will be processed annually by the composting facility.

(4) Any other information that the department or the board requires by rule.

SECTION 10. IC 13-20-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Except as provided in sections 5 and 6 of this chapter, the active area of a composting facility: ~~for vegetative matter:~~

(1) may not be located:

(A) within two hundred (200) feet of a well that supplies potable water; or

(B) within two hundred (200) feet of a residential structure that exists at the time that the composting facility initially registers under this chapter;

(2) must be located outside the ten (10) year floodplain, except a facility that is either:

(A) operated in conjunction with a publicly owned works permitted under IC 13-15-3; or

(B) designed and operated to provide adequate controls to prevent ground or surface water contamination in the event a

ten (10) year flood occurs;

(3) must be designed and operated to:

(A) prevent compost from being placed within five (5) feet of a water table or provide adequate controls to prevent ground or surface water contamination;

(B) adequately control runoff from the composting facility; and

(C) manage leachate that is generated by the composting facility; and

(4) must include controls for the following:

(A) Dust.

(B) Odor.

(C) Noise.

SECTION 11. IC 13-20-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A unit of local government may adopt an ordinance providing the distance required between the active area of a composting facility ~~for vegetative matter~~ and an existing residence. An ordinance adopted under this section may not do any of the following:

(1) Allow the active area of a composting facility to locate less than two hundred (200) feet from an existing residence.

(2) Require the active area of a composting facility to locate more than six hundred (600) feet from an existing residence.

SECTION 12. IC 13-20-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The active area of a composting facility ~~for vegetative matter~~ may be located less than two hundred (200) feet from a residence if:

(1) no unit of local government with jurisdiction over:

(A) the residence; or

(B) the composting facility;

has adopted an ordinance under section 5 of this chapter or IC 13-7-35-6(b) (before its repeal); and

(2) the composting facility obtains written consent from the occupant and the owner of the residence.

SECTION 13. IC 13-20-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who operates a composting facility ~~for vegetative matter~~ that must be registered under this chapter shall submit an annual report to the

department:

(1) before February 1 of each year; and

(2) that indicates the volume of material processed by the composting facility during the preceding year.

SECTION 14. IC 13-20-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a) The department shall approve an application for registration of a composting facility under this chapter or renewal of a registration if the applicant meets the requirements of this chapter and rules adopted by the board.**

(b) The department may deny an application for the registration of a composting facility or renewal of a registration if the application does not meet the requirements of this chapter or rules adopted by the board.

(c) A registration under this chapter:

(1) expires five (5) years after the date the composting facility ~~for vegetative matter~~ is registered; and

(2) may be renewed by the person who registered the composting facility if the person applies to the department.

(d) A registration under this chapter may be revoked if the registrant operates the composting facility in violation of:

(1) this chapter or any other environmental management law; or

(2) rules adopted by the board.

P.L.200-2014
[S.405. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-26-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. As used in this chapter, "communications service" has the meaning set forth in IC 8-1-32.5-3.**

SECTION 2. IC 8-1-26-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. As used in this chapter, "mechanized equipment" means equipment operated by means of mechanical power, including:

(1) trenchers;
(2) bulldozers;
(3) power shovels;
(4) augers;
(5) backhoes;
(6) scrapers;
(7) drills;
(8) cable and pipe plows;
(9) ~~hydroexcavators;~~ **hydraulic excavators;** and
(10) other equipment that may cause damage to underground facilities.

SECTION 3. IC 8-1-26-16, AS AMENDED BY P.L.62-2009, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Except as provided in section 19 of this chapter, before commencing an excavation or demolition operation described in section 14 of this chapter, each person responsible for the excavation or demolition shall:

(1) serve notice on the association of the person's intent to excavate or demolish; and
(2) perform white lining at the site of the excavation or demolition

if the person responsible for the excavation or demolition is unable to provide to the association the physical location of the proposed excavation or demolition by one (1) of the following means:

(A) A street address.

(B) A legal description of the location.

(C) A highway location using highway mile markers or cross streets.

The notice required under subdivision (1) must be received at least two (2) full working days but not more than twenty (20) calendar days before the commencement of the work. Upon receiving the notice, the association immediately shall notify each operator that has underground facilities located in the proposed area of excavation or demolition. A person responsible for excavation or demolition may commence work before the elapse of two (2) full working days if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that the affected operators have no facilities in the location of the proposed excavation or demolition.

(b) A county recorder who receives an inquiry from a person seeking to provide notice of an excavation or a demolition under this section shall refer the person to the association. After receiving a notice under this section, the association shall provide notice of the proposed excavation or demolition to each member operator that has underground facilities located in the proposed area of excavation or demolition.

(c) A person responsible for demolition must give an operator a reasonable amount of time, as mutually determined by the operator, the person responsible for demolition, and the project owner, to remove or protect the operator's facilities before demolition of the structure is commenced.

(d) The notice required by subsection (a) must contain the following information:

(1) The name, address, and telephone number of the person serving the notice, and, if different, the person responsible for the excavation or demolition.

(2) The starting date, anticipated duration, and type of excavation or demolition operation to be conducted.

(3) The location of the proposed excavation or demolition.

(4) Whether or not explosives or blasting are to be used.

(5) The approximate depth of excavation.

(6) Whether the person responsible for the proposed excavation or demolition intends to perform white lining at the site of the proposed excavation or demolition.

(e) The person responsible for the excavation or demolition shall submit a separate locate request along with the notice provided under subsection (d)(3) to the association as follows:

(1) Within an incorporated area, for each one thousand five hundred (1,500) linear feet of proposed excavation or demolition.

(2) In an unincorporated area, for **at least** each two thousand ~~five~~ **six** hundred ~~(2,500)~~ **forty (2,640)** linear feet of proposed excavation or demolition.

(f) A notice provided under this section by a person responsible for an excavation or demolition expires twenty (20) days after the date the notice is submitted to the association under subsection (a), as determined in the manner specified in section 17(d) of this chapter. If, at the conclusion of the twenty (20) day period described in this subsection, any part of the excavation or demolition is not complete at any part of the site for which the original notice was submitted, the person responsible for the excavation or demolition may not continue or resume the excavation or demolition at any part of the site for which the original notice was submitted until:

(1) the person responsible for the excavation or demolition submits to the association a new locate request, along with a notice that complies with subsection (d), with respect to that part of the site for which the excavation or demolition is not complete; and

(2) each affected operator provides facility locate markings in compliance with section 18 of this chapter for that part of the site for which the new locate request and notice are submitted under subdivision (1).

~~(f)~~ **(g)** The association shall maintain an adequate record of the notice required by this section for seven (7) years to document compliance with this chapter. A copy of the record shall be furnished to the person giving notice to excavate or demolish upon written

request.

~~(g)~~ **(h)** A person that:

(1) causes damage to a pipeline facility located in an area of excavation or demolition;

(2) is required to provide notice under this section for the excavation or demolition; and

(3) fails to provide the notice;

may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars ($10,000).

~~(h)~~ **(i)** A person that:

(1) causes damage to a pipeline facility located in an area of excavation or demolition;

(2) is required to perform white lining under subsection (a)(2); and

(3) fails to perform white lining before an operator of a pipeline facility arrives at the site of the proposed excavation or demolition to mark the operator's pipeline facilities;

may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars ($10,000).

SECTION 4. IC 8-1-26-17, AS AMENDED BY P.L.62-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) An operator that has underground facilities located in Indiana must be a member of the Indiana Underground Plant Protection Service or its successor organization. The articles of incorporation or the bylaws of the Indiana Underground Plant Protection Service or its successor organization shall do the following:

(1) Provide that the board of directors of the Indiana Underground Plant Protection Service or its successor organization is composed of:

(A) five (5) members representing electric utilities other than municipal electric utilities, including corporations organized or operating under IC 8-1-13 or corporations organized under IC 23-17, some of whose members are local district corporations (as described in IC 8-1-13-23);

(B) five (5) members representing investor owned gas utilities, including pipelines;

(C) five (5) members representing ~~telecommunications~~ **communications service** providers, at least one (1) of whom is a provider of cable television service;

(D) five (5) members representing water or sewer utilities other than municipal water or sewer utilities; and

(E) five (5) members representing political subdivisions, including municipal utilities, which must include ~~the political subdivision that owns~~ **a member representing** the largest waterworks utility in Indiana **that is owned by:**

(i) a political subdivision; or

(ii) a department of public utilities created by IC 8-1-11.1.

(2) Require the affirmative vote of at least sixty percent (60%) of each category of members appointed under subdivision (1) to approve an increase, a decrease, or any other adjustment to the membership dues, rates, tariffs, locate fees, or any other charges imposed by the Indiana Underground Plant Protection Service or its successor organization.

(b) The association shall provide for mutual receipt of notice of excavation or demolition operations under section 16 of this chapter.

(c) The association shall:

(1) annually update the association's base map data, including street addresses; and

(2) make reasonable efforts to reduce incorrect locate requests issued to the association's members.

(d) The association shall develop and implement guidelines to provide that, for purposes of providing notice to an operator under section 16 of this chapter, the time of receipt of a notice of an intent to excavate or demolish is determined as follows:

(1) For a notice that is received between the hours of 7 a.m. and 6 p.m. on a working day, at the time of receipt.

(2) For a notice that is received after 6 p.m. on a working day and before 7 a.m. on the following working day, at 7 a.m. on the following working day.

SECTION 5. IC 8-1-26-18, AS AMENDED BY P.L.62-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) **Subject to subsection (i),** each operator notified under section 16 of this chapter shall, ~~in~~ **not later than** two (2)

full working days after receiving the notice of intent provided in section 16 of this chapter, supply to the person responsible for the excavation or demolition the following information, using maps when appropriate:

(1) The approximate location and **a** description of all the operator's underground facilities that may be damaged as a result of the excavation or demolition.

(2) The location and description of all facility markers indicating the approximate location of the underground facilities.

(3) Any other information that would assist that person in locating and avoiding damage to the underground facilities, including providing adequate temporary markings indicating the approximate location of the underground facility and locations where permanent facility markers do not exist.

(b) Facility locate markings must consist of paint, flags, or stakes or any combination that mark the approximate location of the underground facilities. The method of marking must be appropriate for the location of the underground facilities.

(c) Color coding of facility locate markings indicating the type of underground facility must conform to the following color coding:

Facility and Type of Product	Specific Group Identifying Color
(1) Electric power distribution and transmission	Safety red
(2) Municipal electric systems	Safety red
(3) Gas distribution and transmission	High visibility safety yellow
(4) Oil distribution and transmission	High visibility safety yellow
(5) Dangerous materials, product lines, steam lines	High visibility safety yellow
(6) ~~Telephone and telegraph~~ **Communications service** systems	Safety alert orange
(7) Cable television	Safety alert

orange

(8) Police and fire communications . . . . . Safety alert orange

(9) Water systems . . . . . Safety precaution blue

(10) Sewer systems . . . . . Safety green

(11) Proposed excavation . . . . . White

(d) Each operator notified under section 16 of this chapter shall, ~~within~~ **not later than** two (2) full working days ~~of~~ **after** receiving the notice of intent provided in section 16 of this chapter, make a reasonable attempt to provide notification to the person responsible for the excavation or demolition if the operator has no facilities in the location of the proposed excavation or demolition.

(e) This section does not apply to an operator making an emergency repair to its own underground facility.

(f) This subsection applies if all of the following occur:

(1) An operator of a pipeline facility is required to supply information, including facility locate markings, under subsection (a) to a person responsible for an excavation or demolition.

(2) The operator of the pipeline facility fails to supply the information described in subdivision (1) or provides incorrect facility locate markings.

(3) The operator's pipeline facility is damaged during the excavation or demolition for which the operator was required to supply the information described in subdivision (1).

The operator of the pipeline facility may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed one thousand dollars ($1,000).

(g) Subsection (f) does not apply to an operator that:

(1) is repairing its own underground facilities; or

(2) fails to supply required information or provide facility locate markings due to factors beyond the control of the operator.

(h) A person that knowingly moves, removes, damages, or otherwise alters a facility locate marking supplied under this section may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars ($10,000). This subsection does not apply to a person

that moves, removes, damages, or otherwise alters a facility locate marking as part of the excavation or demolition for which the facility locate markings were supplied.

(i) If an operator receives, under section 16 of this chapter, notice of an excavation or demolition and determines that the operator is unable to do either or both of the following, the operator shall notify the person responsible for the excavation or demolition of the operator's determination and shall provide additional information and, if requested, onsite assistance to the person responsible for the excavation or demolition:

(1) Locate and mark the operator's affected underground facilities in the time required by subsection (a).

(2) Mark the approximate location of the operator's affected underground facilities.

SECTION 6. IC 8-1-26-20, AS AMENDED BY P.L.62-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) In addition to the notice required in section 16 of this chapter, a person responsible for an excavation or demolition operation under section 14 of this chapter shall do all of the following:

(1) Plan the excavation or demolition to avoid damage to or minimize interference with underground facilities in and near the construction area.

(2) Maintain a clearance between an underground facility, as marked by the operator, and the cutting edge or point of mechanized equipment. The clearance must be not less than two (2) feet on either side of the outer limits of the physical plant. However, if the clearance is less than two (2) feet, **or if an underground facility is located or contained in or under pavement or another manmade hard surface,** exposure of the underground facility may be accomplished **only as follows:**

(A) Only by the use of:

(i) hand excavation;

(ii) air cutting; ~~or~~

(iii) vacuum excavation; **or**

(iv) hydro vacuum excavation.

(B) Mechanized equipment may not be used within the two (2) feet on either side of the outer limits of the physical plant unless the person responsible for the excavation or

demolition does the following:

(i) Visually identifies the precise location of the underground facilities or visually confirms that no facility is present within the depth of the excavation.

(ii) Takes reasonable precautions to avoid any substantial weakening of the underground facilities' structural or lateral support.

(iii) Takes reasonable precautions to avoid penetration or destruction of the underground facilities, including their protective coatings.

(iv) Requires an individual other than the equipment operator to visually monitor the excavation activity.

(C) Mechanized equipment may be used for the initial penetration and removal of pavement or other manmade hard surfaces if an underground facility is located or contained in or under pavement or another manmade hard surface, or if there is pavement or another manmade hard surface extending up to two (2) feet from either side of the outer limits of the physical plant, subject to the following:

(i) The person responsible for the excavation or demolition must plan the excavation to avoid damage to or minimize interference with the underground facilities, as required under subdivision (1).

(ii) The person responsible for the excavation or demolition must take into account the known limits of control of the mechanized equipment's cutting edge or point.

(iii) The mechanized equipment may be used only to the depth necessary to remove the pavement or other manmade hard surface.

(3) Notify the association if:

(A) there is evidence of an unmarked pipeline facility in the area of the excavation or demolition; or

(B) the markings indicating the location of an underground facility have become illegible.

(b) A person who:

(1) violates subsection (a); and

(2) causes damage to a pipeline facility in the area of the excavation or demolition;

may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars ($10,000).

SECTION 7. [EFFECTIVE JULY 1, 2014] **(a) The definitions in IC 8-1-26 apply throughout this SECTION.**

(b) As used in this SECTION, "legislative council" means the legislative council created by IC 2-5-1.1-1.

(c) The general assembly urges the legislative council to assign to an interim or a statutory study committee during the 2014 legislative interim the topic of the technology (both technology that is currently available and technology that is under development) used to determine the elevation or depth, or both, of underground facilities that are subject to IC 8-1-26, including an examination of the following:

(1) The feasibility, benefits, and costs of requiring facility operators to provide elevation or depth information for their existing facilities or for facilities that are installed, repaired, or replaced.

(2) The appropriate tolerance zones for interstate pipelines regulated under 15 U.S.C. 717 et seq. or 49 U.S.C. 1 et seq. to ensure public safety and the integrity of the facilities.

The legislative council is further urged to include in this study assignment the topic of underground facilities that are subject to IC 8-1-26, generally.

(d) If an interim or a statutory study committee is assigned the topic described in subsection (c), the committee shall, not later than November 1, 2014, issue to the legislative council and to the governor a final report containing the committee's findings and recommendations, if any, on the topic described in subsection (c), including any recommended legislation for introduction in the general assembly. A report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(e) This SECTION expires January 1, 2015.

P.L.201-2014
[H.1002. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-14-14-5, AS AMENDED BY P.L.35-2012, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The major moves construction fund is established for the purpose of:

(1) funding projects, other than passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4), under IC 8-15.7 or IC 8-15-3;

(2) funding other projects in the department's transportation plan; and

(3) funding distributions under sections 6 and 7 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

(1) Distributions to the fund from the toll road fund under IC 8-15.5-11.

(2) Distributions to the fund from the next generation trust fund under IC 8-14-15.

(3) Appropriations to the fund.

(4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.

(5) Revenues arising from:

(A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

(B) a toll road under IC 8-15-2 or IC 8-23-7-23;

that the department designates as part of, and deposits in, the fund.

(6) Payments, other than payments for passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4), made to the authority or the department from operators under IC 8-15.7.

(7) Any money transferred to the fund under IC 8-14-14.1-4.

~~(7)~~ **(8)** Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

SECTION 2. IC 8-14-14.1-3, AS ADDED BY P.L.205-2013, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The major moves 2020 trust fund is established, to be used exclusively for major highway expansion projects that enhance the ability of goods to be transported in and through Indiana.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of:

(1) money transferred to the fund under subsection (h); and

(2) any interest or other earnings on money in the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency. IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

(h) ~~On July 1, 2013 and on July 1, 2014,~~ **The budget agency may before July 1, 2015, direct** the auditor of state ~~shall~~ **to** transfer **not more than** two hundred million dollars ($200,000,000) to the fund from the state general fund. **If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency.** There is annually appropriated from the state general fund an amount sufficient to make the transfer under this subsection. **A transfer under this subsection is in addition to any transfer from the state general fund to the fund before January 1, 2014.**

SECTION 3. IC 8-14-14.1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) Notwithstanding section 3(e) of this chapter, the budget agency may, before July 1, 2014, transfer not more than two hundred million dollars ($200,000,000) from the fund to the major moves construction fund established by IC 8-14-14-5. Money transferred under this section may be used for any purpose of the major moves construction fund.**

(b) Notwithstanding section 3(e) of this chapter, if one (1) or more transfers under section 3(h) of this chapter are made to the fund after December 31, 2013, the budget agency may transfer from the fund to the major moves construction fund established by IC 8-14-14-5 an amount equal to the lesser of:

(1) two hundred million dollars ($200,000,000); or

(2) the total amount of any transfers under section 3(h) of this chapter that are made to the fund after December 31, 2013.

(c) The following apply to a transfer described in subsection (b):

(1) The transfer is subject to review by the budget committee

and may be made as late as the date on which the budget committee submits the budget report and budget bill for the biennium beginning July 1, 2015, and ending June 30, 2017, to the governor under IC 4-12-1-9(a).

(2) The transfer is in addition to any transfer made under subsection (a).

(3) Money that is transferred may be used for any purpose of the major moves construction fund.

SECTION 4. **An emergency is declared for this act.**

P.L.202-2014

[H.1004. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

SECTION 1. IC 6-3.1-30.5-7, AS ADDED BY P.L.182-2009(ss), SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** A taxpayer that makes a contribution to a scholarship granting organization for use by the scholarship granting organization in a school scholarship program is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer makes the contribution.

(b) A taxpayer is not entitled to a credit under this chapter for a contribution to a scholarship granting organization that is used to provide a scholarship or other assistance to a child participating in the early education grant pilot program under IC 12-17.2-7.2.

SECTION 2. IC 12-17.2-7.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 7.2. Early Education Grant Pilot Program

Sec. 1. As used in this chapter, "eligible child" refers to an individual who:

(1) is at least four (4) years of age and less than five (5) years of age on August 1 of the state fiscal year for which a grant is sought under the pilot program;

(2) is a resident of Indiana or otherwise has legal settlement in Indiana, as determined under IC 20-26-11;

(3) is a member of a household with an annual income that does not exceed one hundred twenty-seven percent (127%) of the federal poverty level;

(4) receives qualified early education services from an eligible provider, as determined by the office;

(5) has a parent or guardian who participates in a parental engagement and involvement component provided by the eligible provider; and

(6) has a parent or guardian who agrees to ensure that the child meets the attendance requirements determined by the office.

Sec. 2. As used in this chapter, "eligible provider" refers to a provider that satisfies the following conditions:

(1) The provider is:

(A) a:

(i) public school, including a charter school;

(ii) child care center licensed under IC 12-17.2-4;

(iii) child care home licensed under IC 12-17.2-5; or

(iv) child care ministry registered under IC 12-17.2-6;

that meets the standards of quality recognized by a Level 3 or Level 4 paths to QUALITY program rating; or

(B) a school that is accredited by the state board of education or a national or regional accreditation agency that is recognized by the state board of education.

(2) The provider provides qualified early education services to eligible children.

(3) The provider is located in a county in which the pilot program is implemented.

Sec. 3. As used in this chapter, "office" means the office of the secretary of family and social services.

Sec. 4. As used in this chapter, "paths to QUALITY program" has the meaning set forth in IC 12-17.2-2-14.2(b).

Sec. 5. As used in this chapter, "pilot program" refers to the pilot program established under section 7 of this chapter.

Sec. 6. As used in this chapter, "qualified early education services" refers to a program of early education services that:

(1) is provided by an eligible provider to an eligible child;

(2) includes a parental engagement and involvement component provided by the eligible provider;

(3) administers the kindergarten readiness assessment adopted by the state board of education; and

(4) meets the design parameters for inclusion in the longitudinal study described in section 12 of this chapter, as determined by the office.

Sec. 7. (a) The office may establish a pilot program to provide grants for qualified early education services in a manner consistent with how funds are distributed under the Child Care and Development Fund (CCDF) grant program.

(b) The office shall administer the pilot program. The program may include eligible providers in not more than five (5) counties. In determining which counties are designated as pilot counties, the office shall attempt to achieve diversity among the designated counties based on the geographical location of the counties, the population of the counties, and whether the counties are primarily rural or urban. The office shall ensure that the counties selected include a population of eligible children sufficient to conduct the longitudinal study under section 12 of this chapter.

(c) Subject to the requirements of this chapter, the office shall determine:

(1) the eligibility requirements, application process, and selection process for awarding grants under the pilot program;

(2) the administration and reporting requirements for eligible providers participating in the pilot program; and

(3) with the assistance of the early learning advisory committee, an appropriate outcomes based accountability system for eligible providers.

(d) Before implementing the pilot program, the office shall submit the provisions of the pilot program to the state board of education for the state board of education's review and comment.

(e) The office shall, subject to the availability of funding,

determine the number of eligible children who will participate in the pilot program.

Sec. 8. (a) The office shall determine:

(1) which applicants shall be awarded a grant; and

(2) subject to subsection (b) and to the availability of funding, the amount of each grant.

(b) At least ten percent (10%) but not more than fifty percent (50%) of the tuition for eligible children under the pilot program during the state fiscal year must be paid from donations, gifts, grants, bequests, and other funds received from a private entity or person, from the United States government, or from other sources (excluding funds from a grant provided under this chapter and excluding other state funding). The office may receive and administer grants on behalf of the pilot program. The grants shall be distributed by the office to fulfill the requirements of this subsection.

(c) The amount of a grant made under the pilot program to an eligible child:

(1) must equal at least two thousand five hundred dollars ($2,500) during the state fiscal year; and

(2) may not exceed six thousand eight hundred dollars ($6,800) during the state fiscal year.

(d) The total amount of grants provided from the funding under section 9(a) of this chapter that are awarded under the pilot program in a state fiscal year may not exceed ten million dollars ($10,000,000).

Sec. 9. (a) The pilot program, including the longitudinal study under section 12 of this chapter, must be funded from one (1) or both of the following:

(1) After review by the budget committee and approval by the budget agency, from Child Care and Development Fund (CCDF) grant funding received from the United States government that is designated by the budget agency as available for funding the pilot program.

(2) After review by the budget committee and approval by the budget agency, from amounts reverted in a state fiscal year from funds appropriated to the divisions, departments, and bureaus administered by the office that are designated by the budget agency as available for funding the pilot program.

This subsection expires June 30, 2015.

(b) The amounts necessary to make the grants and pay the expenses of the longitudinal study under section 12 of this chapter from funds designated under subsection (a) are appropriated from the sources described in subsection (a) for the state fiscal year beginning July 1, 2014, and ending June 30, 2015, for the purposes of the pilot program.

Sec. 10. The office shall apply for any available waivers under the federal Child Care and Development Fund (CCDF) grant program and the federal Head Start program.

Sec. 11. The receipt of a grant under the pilot program does not qualify, nor have an effect on the qualification or eligibility, of a child for a choice scholarship under IC 20-51-4.

Sec. 12. (a) The office shall carry out a longitudinal study of students who participate in the pilot program to determine the achievement levels of those students in kindergarten and later grades.

(b) The longitudinal study must include a comparison of test and assessment results in grade 3 of:

(1) the eligible children who participated in the pilot program; and

(2) a control group determined by the office that consists of children who did not participate in the pilot program.

(c) The office may, after consulting with the state board of education, enter into a contract with one (1) or more persons to carry out the longitudinal study under this section. The office may expend not more than one million dollars ($1,000,000) from the funds appropriated under section 9 of this chapter to carry out the longitudinal study. The amount expended to carry out the longitudinal study under this section is in addition to the ten million dollar ($10,000,000) limit under section 8(d) of this chapter on the amount of grants under the pilot program in a state fiscal year.

Sec. 13. The office shall before November 1 of each year report to the governor, the budget committee, the state board of education, the department of education, and, in an electronic format under IC 5-14-6, the legislative council regarding the pilot program.

Sec. 14. This chapter expires July 1, 2026.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "commission" refers to the prekindergarten and early learning study commission established by subsection (b).**

(b) The prekindergarten and early learning study commission is established.

(c) The legislative council established by IC 2-5-1.1-1 shall determine the number of members to appoint to the commission. The members of the commission may consist of legislators and lay members. The legislative council shall specify the number of legislative members and lay members. The lay members must have expertise in the area of education, business, childhood development, or social services. At least one (1) lay member must be a member of the early learning advisory committee established under IC 12-17.2-3.6-8.

(d) The chairman of the legislative council shall appoint the chairperson of the commission. The vice chairman of the legislative council shall appoint a member of the commission to serve as vice chairperson of the commission. The chairman and vice chairman of the legislative council each shall appoint one-half (1/2) of the remaining members of the commission. If there is an odd number of members of the commission, the chairman of the legislative council appoints one (1) more member than the vice chairman of the legislative council.

(e) If a vacancy occurs on the commission, the legislative council shall appoint an individual to fill the vacancy.

(f) The commission shall do the following:

(1) Study the feasibility of obtaining a block grant and necessary waivers under the federal Head Start program under 42 U.S.C. 9831 et seq. to establish an early learning scholarship program or another type of alternative program.

(2) Study the feasibility of obtaining a Child Care and Development Block Grant under 42 U.S.C. 9858 et seq. or other federal funds to fund prekindergarten or early learning education programs in Indiana.

(3) Study options for funding prekindergarten or early learning programs, including opportunities to partner with business, philanthropic, or community leaders.

(4) Review whether other states have developed rigorous accountability standards for prekindergarten or early

learning programs.

(5) Study parental involvement opportunities to prepare children for education outside the educational environment, including the benefits of reading to a child.

(6) Study opportunities to equip parents with skills necessary to improve the parents' ability to contribute to their child's early education.

(7) Study the economic benefits of prekindergarten or early learning programs.

(8) Study the appropriate state agency or entity to oversee and develop early learning accountability standards.

(9) Determine the appropriate income standard to use to determine whether a parent is eligible to receive assistance from the state for prekindergarten or early learning programs.

(10) Study opportunities to partner with an investment group or entity to establish an investment fund or vehicle to finance early education in Indiana.

(g) The commission shall submit a final report of the results of its study and any recommendations to the legislative council before November 1, 2014. The report must be in an electronic format under IC 5-14-6.

(h) The legislative services agency shall provide staff support to the commission.

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

(j) Except as otherwise specifically provided in this SECTION, the commission shall operate under the rules of the legislative council.

(k) This SECTION expires January 1, 2015.

SECTION 4. **An emergency is declared for this act**.

P.L.203-2014
[H.1019. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 9-18-15-1, AS AMENDED BY P.L.262-2013, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who is the registered owner or lessee of a:

(1) passenger motor vehicle;
(2) motorcycle;
(3) recreational vehicle; or
(4) vehicle registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

(1) is the registered owner or lessee of a vehicle described in subsection (a); and
(2) is eligible to receive a license plate for the vehicle under:
(A) IC 9-18-17 (prisoner of war license plates);
(B) IC 9-18-18 (disabled Hoosier veteran license plates);
(C) IC 9-18-19 (Purple Heart license plates);
(D) IC 9-18-20 (National Guard license plates);
(E) IC 9-18-22 (license plates for persons with disabilities);
(F) IC 9-18-23 (amateur radio operator license plates);
(G) IC 9-18-24 (civic event license plates);
(H) IC 9-18-24.5 (In God We Trust license plates);
(I) IC 9-18-25 (special group recognition license plates);

(J) IC 9-18-29 (environmental license plates);
(K) IC 9-18-30 (kids first trust license plates);
(L) IC 9-18-31 (education license plates);
(M) IC 9-18-32.2 (drug free Indiana trust license plates);
(N) IC 9-18-33 (Indiana FFA trust license plates);
(O) IC 9-18-34 (Indiana firefighter license plates);
(P) IC 9-18-35 (Indiana food bank trust license plates);
(Q) IC 9-18-36 (Indiana girl scouts trust license plates);
(R) IC 9-18-37 (Indiana boy scouts trust license plates);
(S) IC 9-18-38 (Indiana retired armed forces member license plates);
(T) IC 9-18-39 (Indiana antique car museum trust license plates);
(U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
(V) IC 9-18-41 (Indiana arts trust license plates);
(W) IC 9-18-42 (Indiana health trust license plates);
(X) IC 9-18-43 (Indiana mental health trust license plates);
(Y) IC 9-18-44 (Indiana Native American trust license plates);
(Z) IC 9-18-45.8 (Pearl Harbor survivor license plates);
(AA) IC 9-18-46.2 (Indiana state educational institution trust license plates);
(BB) IC 9-18-47 (Lewis and Clark ~~bicentennial~~ **expedition** license plates);
(CC) IC 9-18-48 (Riley Children's Foundation license plates);
(DD) IC 9-18-49 (National Football League franchised professional football team license plates);
(EE) IC 9-18-50 (Hoosier veteran license plates);
(FF) IC 9-18-51 (support our troops license plates);
(GG) IC 9-18-52 (Abraham Lincoln bicentennial license plates);
(HH) IC 9-18-53 (Earlham College Trust license plates); or
(II) IC 9-18-54 (Indiana Gold Star family member license plates);

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 2. IC 9-18-47-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The bureau shall

design and issue a Lewis and Clark ~~bicentennial~~ **expedition** license plate. The Lewis and Clark ~~bicentennial~~ **expedition** license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

SECTION 3. IC 9-18-47-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Lewis and Clark ~~bicentennial~~ **expedition** license plate under this chapter upon doing the following:

(1) Completing an application for a Lewis and Clark ~~bicentennial~~ **expedition** license plate.

(2) Paying the fees under section 3 of this chapter.

SECTION 4. IC 9-18-47-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The fees for a Lewis and Clark ~~bicentennial~~ **expedition** license plate are as follows:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars ($25).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau.

(c) The annual fee described in subsection (a)(2) shall be deposited in the Lewis and Clark ~~bicentennial~~ **expedition** fund established by section 4 of this chapter.

SECTION 5. IC 9-18-47-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The Lewis and Clark ~~bicentennial~~ **expedition** fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) The commissioner shall monthly distribute the money from the fund to the Lewis and Clark ~~bicentennial~~ **expedition** commission established by IC 14-20-15.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 6. IC 9-29-3-19, AS AMENDED BY P.L.262-2013,

SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested special numbered motor vehicle registration plate.

(b) As used in this section, "special numbered motor vehicle registration plate" means any plate requested for issuance out of its established numerical sequence.

(c) Subject to subsection (d) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

(1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.

(2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

(d) The bureau's authority to adopt rules under subsection (c) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(e) The bureau may not impose a pull service charge of more than fifteen dollars ($15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the ~~bicentennial of the~~ Lewis and Clark expedition.

SECTION 7. IC 14-20-15-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. As used in this chapter, "bicentennial" refers to the bicentennial of the Lewis and Clark expedition.~~

SECTION 8. IC 14-20-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter, "commission" refers to the Lewis and Clark ~~bicentennial~~ **expedition** commission established by section 3 of this chapter.

SECTION 9. IC 14-20-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The Lewis and Clark ~~bicentennial~~ **expedition** commission is established.

SECTION 10. IC 14-20-15-4, AS AMENDED BY P.L.229-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The commission consists of the following members:

(1) ~~Six (6)~~ **Two (2)** members of the house of representatives, to be appointed by the speaker of the house of representatives. ~~Not more than three (3)~~ **The** members appointed under this subdivision may **not** be members of the same political party.

(2) ~~Six (6)~~ **Two (2)** members of the senate, to be appointed by the president pro tempore of the senate. ~~Not more than three (3)~~ **The** members appointed under this subdivision may **not** be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the office of tourism development with expertise in the tourism or film industry, to be designated by the director of the office of tourism development.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

(7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

SECTION 11. IC 14-20-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. **(a)** The governor or the governor's designee shall act as the chair of the commission.

(b) The chair shall give notice of the date, time, and place of a meeting of the commission to the members of the commission at least ten (10) days before the meeting date by any of the following methods:

(1) Mail.

(2) Fax.

(3) Telephone.

(4) Electronic mail.

SECTION 12. IC 14-20-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The commission may do the following:

(1) Educate Indiana residents and the nation about Indiana's important role in the Lewis and Clark expedition.

(2) Assist local governments and organizations with planning, preparation, and grant applications for ~~bicentennial~~ **Lewis and Clark expedition** events and projects.

(3) Coordinate state, local, and nonprofit organizations' ~~bicentennial~~ **Lewis and Clark expedition** activities occurring in Indiana.

(4) Act as a point of contact for national ~~bicentennial~~ **Lewis and Clark expedition** organizations wishing to distribute information to state and local groups about grant opportunities, meetings, and national events.

(5) Plan and implement appropriate events to commemorate the ~~bicentennial.~~ **Lewis and Clark expedition.**

(6) Seek federal grants and philanthropic support for ~~bicentennial~~ **Lewis and Clark expedition** activities.

(7) Perform other duties necessary to highlight Indiana's role in the Lewis and Clark expedition.

(8) Recommend the establishment of a nonprofit corporation under section 7 of this chapter.

(9) Transfer funds received under IC 9-18-47 and other property to a nonprofit corporation established under section 7 of this chapter.

SECTION 13. IC 14-20-15-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. The department of natural resources shall staff the commission.~~

SECTION 14. IC 14-20-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The expenses of the commission shall be paid from the money transferred to the commission from the Lewis and Clark ~~bicentennial~~ **expedition** fund established by IC 9-18-47.

SECTION 15. IC 14-20-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Money acquired by the commission is subject to Indiana law concerning the deposit and safekeeping of public money.

(b) Money acquired by the commission shall be held in an account under the name of "The Lewis and Clark Expedition Commission".

(c) Before money in the account described in subsection (b) may be disbursed from the account, a vote of the members of the commission must be held to approve the disbursement.

~~(b)~~ **(d)** The money of the commission and the accounts of each officer, employee, or other person entrusted by law with the raising,

disposition, or expenditure of the money or part of the money is subject to the following:

(1) Examination by the state board of accounts.

(2) The same penalties and the same provision for publicity that are provided by law for state money and state officers.

P.L.204-2014
[H.1050. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 14-22-11-5, AS AMENDED BY P.L.14-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does not apply to an individual issued an apprentice license under IC 14-22-12-1.7.

(b) **Except as provided in subsection (d),** in addition to other requirements for obtaining a hunting license, a person born after December 31, 1986, must have successfully completed the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.

(c) If an applicant for a hunting license who is subject to subsection (b) requests that a hunter education course be offered in the applicant's county of residence, the department or the department's agent shall offer a hunting safety course under IC 14-22-35 in the applicant's county of residence not more than ninety-two (92) days after receiving a request.

(d) An applicant for a hunting license who is born after December 31, 1986, and qualifies for a special circumstances hunting safety card under IC 14-22-12-1.8 must attend a hunter education course offered by the department or the department's

agent under IC 14-22-35 but is not required to successfully complete the final exam.

SECTION 2. IC 14-22-12-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.8. (a) As used in this section, "individual with special circumstances" means an individual who:**

(1) has a developmental disability (as defined by IC 12-7-2-61);

(2) is determined to be a child with a disability (as defined by IC 20-35-1-2); or

(3) has a permanent disability as determined by rules adopted by the department.

(b) As used in this section, "special circumstances hunter" means an individual with special circumstances who hunts under a special circumstances hunting safety card issued under this section.

(c) As used in this section, "special circumstances hunting safety card" refers to the card issued to a special circumstances hunter.

(d) The department may issue a special circumstances hunting safety card to a resident or nonresident who qualifies under the rules adopted by the department as authorized under this section.

(e) The commission shall establish the criteria for determining qualifications for a special circumstances hunting safety card.

(f) A special circumstances hunter may hunt in Indiana if the special circumstances hunter attends the course of instruction in hunter education offered by the department or the department's agent under IC 14-22-35.

(g) A special circumstances hunter must:

(1) comply with the requirements under this article, including obtaining a valid hunting license issued under IC 14-22-11, and the rules adopted by the department; and

(2) while hunting, be accompanied by an individual who:

(A) is at least eighteen (18) years of age; and

(B) holds a valid hunting license issued under IC 14-22-11.

(h) An individual described in subsection (g)(2) who accompanies a special circumstances hunter:

(1) must be in close enough proximity to monitor the special circumstances hunter's activities and communicate with the special circumstances hunter at all times; and

(2) may not accompany more than two (2) holders of a special circumstances hunting safety card at one (1) time.

(i) The department shall adopt rules under IC 4-22-2 to carry out this section.

P.L.205-2014
[H.1057. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-6-7.6-1.1, AS ADDED BY P.L.2-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. **(a)** The Indiana department of transportation shall adopt rules under IC 4-22-2 to do the following:

(1) Establish ~~minimum distances to~~ **distances at** which a railroad must maintain, for the benefit of operators of licensed motor vehicles, an unobstructed view ~~from~~ **within** the railroad right-of-way at a public railroad crossing that is under the control of the railroad. In establishing ~~minimum~~ distances under this subdivision, the Indiana department of transportation shall take into account safety measures in place at a public crossing, including train activated warning devices and federal railroad track classifications.

(2) Provide exceptions to ~~minimum~~ distances required under subdivision (1) based on variances in terrain, elevations, track curvature, and permanent improvements at or near a public crossing.

(3) Develop a method to determine and verify ~~a minimum distance~~ **distances** required under subdivision (1). The method must:

(A) be consistent with accepted engineering practices; and

(B) produce results capable of replication.

(b) A rule adopted under subsection (a) replaces any common law duties imposed on a railroad with respect to distances established or methods of verification developed under the rule.

P.L.206-2014
[H.1080. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-21-3-7, AS AMENDED BY P.L.43-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively, one (1) at a time or in combination, only the colors green, red, or yellow may be used, except for special pedestrian signals under IC 9-21-18.

(b) The lights indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication means the following:

(A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at the place prohibits either turn.

(B) Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent sidewalk at the time the signal is exhibited.

(C) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the green arrow or other movement permitted by other

indications shown at the same time.

(D) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(E) Unless otherwise directed by a pedestrian control signal, pedestrians facing a green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within a marked or unmarked crosswalk.

(2) Steady yellow indication means the following:

(A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter.

(B) A pedestrian facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal, is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway at that time.

(3) Steady red indication means the following:

(A) Except as provided in ~~clause~~ **clauses** (B) **and (D),** vehicular traffic facing a steady circular red or red arrow signal shall stop at a clearly marked stop line. However, if there is no clearly marked stop line, vehicular traffic shall stop before entering the crosswalk on the near side of the intersection. If there is no crosswalk, vehicular traffic shall stop before entering the intersection and shall remain standing until an indication to proceed is shown.

(B) Except when a sign is in place prohibiting a turn described in this subdivision, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to do the following:

(i) Make a right turn.

(ii) Make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic.

Vehicular traffic making a turn described in this subdivision shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(C) Unless otherwise directed by a pedestrian control signal pedestrians facing a steady circular red or red arrow signal may not enter the roadway.

(D) If the operator of a motorcycle, motorized bicycle, motor scooter, or bicycle approaches an intersection that is controlled by a traffic control signal, the operator may proceed through the intersection on a steady red signal only if the operator:

(i) comes to a complete stop at the intersection for at least one hundred twenty (120) seconds; and

(ii) exercises due caution as provided by law, otherwise treats the traffic control signal as a stop sign, and determines that it is safe to proceed.

(4) No indication or conflicting indications means the following:

(A) Except as provided in clause (C), vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection.

(B) After stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection or approaching so closely as to constitute an immediate hazard.

(C) Vehicular traffic entering an intersection or crosswalk facing a pedestrian hybrid beacon may proceed without stopping if no indication is displayed on the pedestrian hybrid beacon.

(5) This section applies to traffic control signals located at a place other than an intersection. A stop required under this subdivision must be made at the signal, except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

SECTION 2. IC 9-21-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a) Subject to subsection (b),** all traffic regulations and all rights and duties inured from the traffic regulations that apply to a person who drives or operates a motor vehicle apply to a person who operates a motorcycle, except the following:

(1) Regulations that expressly do not apply to motorcycles.

(2) Regulations that by their nature have no application.

(b) IC 9-21-3-7(b)(3)(D) applies to the operation of a motorcycle.

SECTION 3. IC 9-21-11-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13.5. IC 9-21-3-7(b)(3)(D) applies to the operation of a:**

(1) motorized bicycle;

(2) motor scooter; or

(3) bicycle.

P.L.207-2014

[H.1099. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-4-3-4, AS AMENDED BY P.L.119-2012, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

(1) Territory that is contiguous to the municipality.

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated **as either of the following:**

(A) An airport or landing field.

(B) A wastewater treatment facility or water treatment facility. After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:

(A) a municipally owned or regulated sanitary landfill, golf course, or hospital; **or**

(B) a police station of the municipality.

However, if territory annexed under ~~this subsection~~ **subdivision (2) or (3)** ceases to be used ~~as a municipally owned or regulated sanitary landfill, golf course, or hospital~~ **for the purpose for which the territory was annexed** for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. **Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.**

(b) This subsection applies to municipalities in a county having a population of:

(1) more than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000);

(2) more than seventy-five thousand (75,000) but less than seventy-seven thousand (77,000);

(3) more than seventy-one thousand (71,000) but less than seventy-five thousand (75,000);

(4) more than forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500);

(5) more than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000);

(6) more than thirty-seven thousand (37,000) but less than thirty-seven thousand one hundred twenty-five (37,125);

(7) more than thirty-three thousand three hundred (33,300) but less than thirty-three thousand five hundred (33,500);

(8) more than twenty-three thousand three hundred (23,300) but less than twenty-four thousand (24,000);

(9) more than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000);

(10) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or

(11) more than thirty-two thousand five hundred (32,500) but less than thirty-three thousand (33,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy

thousand (270,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than twenty-nine thousand nine hundred (29,900) but less than thirty-one thousand (31,000). The city legislative body may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

(A) one and one-half (1 1/2) miles to the west;

(B) three-fourths (3/4) mile to the east;

(C) one-half (1/2) mile to the north; or

(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation.

SECTION 2. IC 36-4-3-15.5, AS AMENDED BY P.L.113-2010, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) Except as provided in subsection (b):

(1) an owner of land within one-half (1/2) mile of territory proposed to be annexed under this chapter; **or**

(2) a municipality located in the same county as the territory proposed to be annexed;

may, not later than sixty (60) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(b) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. **Either of the following may appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located:**

(1) An owner of land within one-half (1/2) mile of the territory proposed to be annexed under this chapter. ~~may,~~

(2) A municipality located in the same county as the territory proposed to be annexed.

An appeal under this subsection must be filed not later than thirty (30) days after the publication of the annexation ordinance. ~~appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located.~~ The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(c) Upon the determination of the court that the complaint is sufficient, the judge shall fix a time for a hearing to be held not later than sixty (60) days after the determination. Notice of the proceedings shall be served by summons upon the proper officers of the annexing municipality. The municipality shall become a defendant in the cause and be required to appear and answer. The judge of the circuit or superior court shall, upon the date fixed, proceed to hear and determine the appeal without a jury, and shall, without delay, give judgment upon the question of the annexation according to the evidence introduced by the parties. If the evidence establishes that the territory sought to be annexed is contiguous to the annexing municipality, the court shall deny the appeal and dismiss the proceeding. If the evidence does not establish the foregoing factor, the court shall issue an order to prevent the proposed annexation from taking effect. The laws providing for change of venue from the county do not apply, but changes of venue from the judge may be had. Costs follow judgment. Pending the appeal,

and during the time within which the appeal may be taken, the territory sought to be annexed is not a part of the annexing municipality.

(d) If the court enters a judgment in favor of the municipality, the annexation may not take effect during the year preceding a year in which a federal decennial census is conducted. An annexation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

SECTION 3. IC 36-4-3-15.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.7. A municipality located in the same county as the territory to be annexed may appeal an annexation under section 15.5(a)(2) or 15.5(b)(2) of this chapter if:**

(1) the annexation was pending on January 1, 2014; and

(2) the municipality files the appeal not later than sixty (60) days after publication of the annexation ordinance.

SECTION 4. IC 36-7-4-205, AS AMENDED BY P.L.172-2011, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 205. (a) ADVISORY. A municipal plan commission shall adopt a comprehensive plan, as provided for under the 500 series of the advisory planning law, for the development of the municipality. For comprehensive plans adopted after July 1, 1999, if:

(1) the municipality provides municipal services to the contiguous unincorporated area; or

(2) the municipal plan commission obtains the approval of the county legislative body of each affected county;

the municipal plan commission may provide in the comprehensive plan for the development of the contiguous unincorporated area, designated by the commission, that is outside the corporate boundaries of the municipality, and that, in the judgment of the commission, bears reasonable relation to the development of the municipality. For purposes of this section, participation of a municipality in a fire protection territory established under IC 36-8-19 that includes unincorporated areas contiguous to the municipality may not be treated as providing municipal services to the contiguous unincorporated areas.

(b) ADVISORY. Except as limited by the boundaries of unincorporated areas subject to the jurisdiction of other municipal plan

commissions, an area designated under this section may include any part of the contiguous unincorporated area within two (2) miles from the corporate boundaries of the municipality. ~~If,~~ However, **the following applies to the designation of an area under this section:**

(1) If the corporate boundaries of the municipality or the boundaries of that contiguous unincorporated area include any part of the public waters or shoreline of a lake (which lies wholly within Indiana), the designated area may also include:

~~(1)~~ **(A)** any part of those public waters and shoreline of the lake; and

~~(2)~~ **(B)** any land area within two thousand five hundred (2,500) feet from that shoreline.

(2) This subdivision applies to a municipality that annexes noncontiguous territory under IC 36-4-3-4(a)(2) or IC 36-4-3-4(a)(3). The boundaries of the noncontiguous territory (including territory that is enlarged under subdivision IC 36-4-3-4(a)(2)(B) for the use of the wastewater treatment facility or water treatment facility) may not be considered a part of the corporate boundaries of the municipality for purposes of designating an area under this section.

(c) ADVISORY. Before exercising their rights, powers, and duties of the advisory planning law with respect to an area designated under this section, a municipal plan commission must file, with the recorder of the county in which the municipality is located, a description or map defining the limits of that area. If the commission revises the limits, it shall file, with the recorder, a revised description or map defining those revised limits.

(d) ADVISORY. If any part of the contiguous unincorporated area within the potential jurisdiction of a municipal plan commission is also within the potential jurisdiction of another municipal plan commission, the first municipal plan commission may exercise territorial jurisdiction over that part of the area within the potential jurisdiction of both municipal plan commissions that equals the product obtained by multiplying a fraction, the numerator of which is the area within the corporate boundaries of that municipality and the denominator of which is the total area within the corporate boundaries of both municipalities times the area within the potential jurisdiction of both

municipal plan commissions. Furthermore, this commission may exercise territorial jurisdiction within those boundaries, enclosing an area reasonably compact and regular in shape, that the municipal plan commission first acting designates.

(e) ADVISORY. If the legislative body of a county adopts a comprehensive plan and ordinance covering the unincorporated areas of the county, a municipal plan commission may not exercise jurisdiction, as provided in this section, over any part of that unincorporated area unless it is authorized by ordinance of the legislative body of the county. This ordinance may be initiated by the county legislative body or by petition duly signed and presented to the county auditor by:

(1) not less than fifty (50) property owners residing in the area involved in the petition;

(2) the county plan commission; or

(3) the municipal plan commission.

Before final action on the ordinance by the county legislative body, the county plan commission must hold an advertised public hearing as required for other actions of the county plan commission under the advisory planning law. Upon the passage of the ordinance by the county legislative body and the subsequent acceptance of jurisdiction by the municipal plan commission, the municipal plan commission shall exercise the same rights, powers, and duties conferred in this section exclusively with respect to the contiguous unincorporated area. The jurisdiction of a municipal plan commission, as authorized under this subsection, may be terminated by ordinance at the discretion of the legislative body of the county, but only if the county has adopted a comprehensive plan for that area that is as comprehensive in scope and subject matter as that in effect by municipal ordinance.

(f) ADVISORY. Each municipal plan commission in a municipality located in a county having:

(1) a population of less than ninety-five thousand (95,000); and

(2) a county plan commission that has adopted, in accord with the advisory planning law, a comprehensive plan and ordinance covering the unincorporated areas of the county;

may, at any time, after filing notice with the county recorder and the county plan commission, exercise or reject territorial jurisdiction over any part of the area within two (2) miles of the corporate boundaries of

that municipality and within that county, whether or not that commission has previously exercised that jurisdiction, if the municipality is providing municipal services to the area. Within sixty (60) days after receipt of that notice, the county plan commission and the county legislative body shall have the county comprehensive plan and ordinance revised to reflect the decision of the municipal plan commission exercising the option provided for in this subsection. If the municipality is not providing municipal services to the area, the municipal plan commission must obtain the approval of the county legislative body of each affected county before exercising jurisdiction.

(g) AREA. Wherever in the area planning law authority is conferred to establish a comprehensive plan or an ordinance for its enforcement, the authority applies everywhere:

(1) within the county that is outside the municipalities; and

(2) within each participating municipality.

(h) ADVISORY—AREA. Whenever a new town is incorporated in a county having a county plan commission or an area plan commission, that plan commission and its board of zoning appeals shall continue to exercise territorial jurisdiction within the town until the effective date of a town ordinance:

(1) establishing an advisory plan commission under section 202(a) of this chapter; or

(2) adopting the area planning law under section 202(b) or 204 of this chapter.

Beginning on that effective date, the planning and zoning functions of the town shall be exercised under the advisory planning law or area planning law, as the case may be.

SECTION 5. **An emergency is declared for this act.**

P.L.208-2014
[H.1104. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-23-29 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 29. Transportation Infrastructure Funding Mechanisms

Sec. 1. As used in this chapter, "study" refers to the study of transportation infrastructure funding mechanisms that is the subject of the contract described in section 2 of this chapter.

Sec. 2. The department shall contract with a third party to study transportation infrastructure funding mechanisms. The contract must include the following terms:

(1) A description of the funding mechanisms that will be studied. The funding mechanisms must include the following:

(A) An option that is based on variables, including vehicle gross weight and miles traveled.

(B) An option that accounts for variations in usage and degree of damage caused to transportation infrastructure by vehicles of different sizes and configurations.

(C) A flat per vehicle fee.

(D) Adjustments to one (1) or more of the following:

(i) The state gross retail tax on motor fuel imposed under IC 6-2.5-7.

(ii) The gasoline tax imposed under IC 6-6-1.1.

(iii) The special fuel tax imposed under IC 6-6-2.5.

(iv) The motor carrier fuel tax imposed under IC 6-6-4.1, including the surcharge tax imposed under IC 6-6-4.1-4.5.

(E) Tolls.

(F) Any other mechanism the department determines is appropriate.

(2) The duration of the study, which must be an adequate length of time to ensure that a quality and comprehensive analysis of all topics will be thoroughly reviewed, but is not to exceed two (2) years.

(3) An inventory of the transportation infrastructure that will be maintained through revenue generated by the funding mechanisms included in the study. The inventory must include state and local highways, roads, and streets.

(4) The rating system by which the maintenance of the transportation infrastructure will be evaluated.

Sec. 3. The study must do the following:

(1) Review the literature of similar studies conducted in other jurisdictions.

(2) Determine the costs of maintaining the transportation infrastructure designated in the contract under the rating system designated in the contract.

(3) For each mechanism studied, calculate the per unit amount required to generate revenue sufficient to cover the costs described in subdivision (2).

(4) Identify and discuss the following concerns for each mechanism studied:

(A) Privacy.

(B) Ease of use.

(C) Compliance.

(D) Revenue collection costs.

(5) Evaluate the effects of each funding mechanism on alternative fuel and advanced technology vehicles.

(6) Identify and analyze the technologies supporting each mechanism studied.

Sec. 4. Not later than July 1 of each year of the study, the department shall provide the results of the study to date in an electronic format under IC 5-14-6 to the following:

(1) The joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2.

(2) The legislative council.

(3) The governor.

Sec. 5. The department shall pay the amount necessary for the study out of any funds available for the purpose.

Sec. 6. Upon conclusion of the study, the department shall consider the appropriateness of implementing a voluntary pilot program based on one (1) or more of the mechanisms included in the study.

SECTION 2. **An emergency is declared for this act.**

P.L.209-2014
[H.1132. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-31-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.3. As used in this chapter, "adjustment amount" means the amount proposed in a petition filed under section 8 of this chapter to allow the adjustment of a public utility's basic rates and charges to provide for recovery of infrastructure improvement costs.**

SECTION 2. IC 8-1-31-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "adjustment revenues" means revenues produced through an adjustment amount approved under section 9 of this chapter exclusive of revenues from all other rates and charges.**

SECTION 3. IC 8-1-31-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. As used in this chapter, "DSIC" refers to distribution system improvement charge.~~

SECTION 4. IC 8-1-31-3 IS REPEALED [EFFECTIVE JULY 1,

2014]. ~~Sec. 3. As used in this chapter, "DSIC costs" means depreciation expenses and pretax return associated with eligible distribution system improvements.~~

SECTION 5. IC 8-1-31-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. As used in this chapter, "DSIC revenues" means revenues produced through a DSIC exclusive of revenues from all other rates and charges.~~

SECTION 6. IC 8-1-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this chapter, "eligible ~~distribution system~~ **infrastructure** improvements" means new used and useful water **or wastewater** utility plant projects that:

(1) do not increase revenues by connecting ~~the~~ **a** distribution **or collection** system to new customers;

(2) are in service; and

(3) were not included in the public utility's rate base in its most recent general rate case.

SECTION 7. IC 8-1-31-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. As used in this chapter, "infrastructure improvement costs" means depreciation expenses and pretax return associated with eligible infrastructure improvements.**

SECTION 8. IC 8-1-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. As used in this chapter, "pretax return" means the revenues necessary to:

(1) produce net operating income equal to the public utility's weighted cost of capital multiplied by the net original cost of eligible distribution **or collection** system improvements; and

(2) pay state and federal income taxes applicable to such income.

SECTION 9. IC 8-1-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (d), a public utility providing water **or wastewater** service may file with the commission **a petition setting forth** rate schedules establishing ~~a DSIC~~ **an amount** that will allow the ~~automatic~~ adjustment of the public utility's basic rates and charges to provide for recovery of ~~DSIC~~ **infrastructure improvement** costs.

(b) The public utility shall serve the office of the utility consumer counselor a copy of its filing at the time of its filing with the commission.

(c) Publication of notice of the filing is not required.

(d) A public utility may not file a petition under this section in the same calendar year in which the public utility has filed a request for a general increase in the basic rates and charges of the public utility.

SECTION 10. IC 8-1-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) When a petition is filed under section 8 of this chapter, the commission shall conduct a hearing.

(b) The office of the utility consumer counselor may examine information of the public utility to confirm that the ~~system~~ **infrastructure** improvements are in accordance with section 5 of this chapter, to confirm proper calculation of the **adjustment amount** proposed ~~charge,~~ **under section 8(a) of this chapter,** and submit a report to the commission not later than thirty (30) days after the petition is filed.

(c) The commission shall hold the hearing and issue its order not later than sixty (60) days after the petition is filed.

(d) If the commission finds that a ~~DSIC~~ petition **filed under section 8 of this chapter** complies with the requirements of this chapter, the commission shall enter an order approving the petition.

SECTION 11. IC 8-1-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Except as provided in subsection (b), a public utility may, but is not required to, file a petition for a change in its ~~DSIC~~ **initial adjustment amount** not more often than one (1) time every twelve (12) months.

(b) Except as provided in section 15 of this chapter, a public utility may not file a petition ~~for a change in its DSIC~~ **described in subsection (a)** in the same calendar year in which the public utility has filed a request for a general increase in the basic rates and charges of the public utility.

SECTION 12. IC 8-1-31-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission may not approve a ~~DSIC~~ **petition filed under section 8 or 10 of this chapter** to the extent it would produce total ~~DSIC~~ **adjustment** revenues exceeding five percent (5%) of the public utility's base revenue level approved by the commission in the public utility's most recent general rate proceeding.

SECTION 13. IC 8-1-31-14 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~The DSIC~~ **An adjustment amount proposed under section 8 of this chapter** may be calculated based on a reasonable estimate of sales in the period in which the charge will be in effect. At the end of each twelve (12) month period ~~the charge is in effect,~~ **following the date on which the commission initially approves an adjustment amount for a public utility following the public utility's most recent general rate case,** and using procedures approved by the commission, the public utility shall reconcile the difference between ~~DSIC~~ **adjustment** revenues and ~~DSIC~~ **infrastructure improvement** costs during that period and recover or refund the difference, as appropriate, through ~~adjustment of the charge.~~ **additional adjustments.**

SECTION 14. IC 8-1-31-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. A public utility ~~that has implemented a DSIC~~ **for which the commission has approved a petition** under **section 8 or 10 of** this chapter shall file revised rate schedules resetting the ~~charge~~ **adjustment amount** if new basic rates and charges become effective for the public utility following a commission order authorizing a general increase in rates and charges that includes in the utility's rate base eligible ~~distribution system~~ **infrastructure** improvements reflected in the ~~DSIC.~~ **adjustment amount.**

SECTION 15. IC 8-1-31-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. For purposes of IC 8-1-2-42(a), the ~~filing of a DSIC and a change in a DSIC~~ **approval of a petition filed under section 8 or 10 of this chapter** is not a general increase in basic rates and charges.

SECTION 16. IC 8-1-31-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. The commission may adopt by rule under IC 4-22-2 or by order other procedures not inconsistent with this chapter that the commission finds reasonable or necessary to administer ~~a DSIC.~~ **this chapter.**

P.L.210-2014
[H.1162. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-8.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As a condition for receiving the certificate required under section 2 of this chapter, the applicant shall file an estimate of construction, purchase, or lease costs in such detail as the commission may require.

(b) The commission shall hold a public hearing on each such application. **The commission may consider all relevant information related to construction, purchase, or lease costs.** A certificate shall be granted only if the commission has:

(1) made a finding as to the best estimate of construction, purchase, or lease costs based on the evidence of record;

(2) made a finding that either:

(A) the construction, purchase, or lease will be consistent with the commission's plan (or such part of the plan as may then be developed, if any) for expansion of electric generating capacity; or

(B) the construction, purchase, or lease is consistent with a utility specific proposal submitted under section 3(e) of this chapter and approved under subsection (d). However, if the commission has developed, in whole or in part, a plan for the expansion of electric generating capacity and the applicant has filed and the commission has approved under subsection (d) a utility specific proposal submitted under section 3(e) of this chapter, the commission shall make a finding under this clause that the construction, purchase, or lease is consistent with the commission's plan, to the extent developed, and that the construction, purchase, or lease is consistent with the

applicant's plan under section 3(e) of this chapter, to the extent the plan was approved by the commission;

(3) made a finding that the public convenience and necessity require or will require the construction, purchase, or lease of the facility; ~~and~~

(4) made a finding that the facility, if it is a coal-consuming facility, utilizes Indiana coal or is justified, because of economic considerations or governmental requirements, in using non-Indiana coal; **and**

(5) made the findings under subsection (e), if applicable.

(c) If:

(1) the commission grants a certificate under this chapter based upon a finding under subsection (b)(2) that the construction, purchase, or lease of a generating facility is consistent with the commission's plan for the expansion of electric generating capacity; and

(2) a court finally determines that the commission plan is invalid; the certificate shall remain in full force and effect if the certificate was also based upon a finding under subsection (b)(2) that the construction, purchase, or lease of the facility was consistent with a utility specific plan submitted under section 3(e) of this chapter and approved under subsection (d).

(d) The commission shall consider and approve, in whole or in part, or disapprove a utility specific proposal or an amendment thereto jointly with an application for a certificate under this chapter. However, such an approval or disapproval shall be solely for the purpose of acting upon the pending certificate for the construction, purchase, or lease of a facility for the generation of electricity.

(e) This subsection applies if an applicant proposes to construct a facility with a generating capacity of more than eighty (80) megawatts. Before granting a certificate to the applicant, the commission:

(1) must, in addition to the findings required under subsection (b), find that the estimated costs of the proposed facility are, to the extent commercially practicable, the result of competitively bid engineering, procurement, or construction contracts, as applicable; and

(2) shall also consider the following factors:

(A) Reliability.

(B) Solicitation by the applicant of competitive bids to obtain purchased power capacity and energy from alternative suppliers.

The applicant, including an affiliate of the applicant, may participate in competitive bidding described in this subsection.

P.L.211-2014

[H.1170. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-26-4-6, AS AMENDED BY P.L.292-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does not apply to a district described in section 6.1 of this chapter.

(b) **Except as provided in subsection (c)(5),** an appointed trustee does not have to be a resident of the district.

(c) An appointed trustee must:

(1) own real property within the district;

(2) be a trustee appointed under section 4 or 5 of this chapter;

(3) be an elected official who represents a political subdivision that has territory in the district; ~~or~~

(4) be a ratepayer of the district; **or**

(5) with respect to a district in which a majority of ratepayers and property owners are not individuals, be an individual who is registered to vote at an address that is located in the district.

P.L.212-2014
[H.1180. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 6-3.1-34.6-6, AS ADDED BY P.L.277-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 6. As used in this chapter, "qualified vehicle" means a natural gas powered vehicle that:

(1) has a gross vehicle weight rating of more than thirty-three thousand (33,000) pounds; **and**

(2) is purchased or leased from a dealer located in Indiana.

SECTION 2. IC 6-3.1-34.6-10, AS ADDED BY P.L.277-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 10. The total amount of the tax credits granted in a particular year to all persons under this chapter may not exceed **the** lesser of:

(1) three million dollars ($3,000,000) per year; or

(2) the revenue, as estimated by the budget agency, that is attributable to the imposition of the gross retail and use tax on transactions involving ~~alternative fuel (as defined by IC 6-6-2.5-1)~~ **the purchase of a natural gas product (as defined by IC 6-6-2.5-16.5)** to fuel a motor vehicle ~~used in providing public transportation for persons or property as a result of IC 6-2.5-5-27(b)~~ for the year the credit is claimed.

In addition, the tax credits granted for all years to all persons under this chapter may not exceed three (3) times the per year amount under subdivision (1) or (2), whichever applies for a particular year.

SECTION 3. IC 6-3.1-34.6-12, AS ADDED BY P.L.277-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 12. (a) To receive a credit under this chapter, a person **placing a qualified vehicle into**

service must:

(1) ~~claim the credit on the person's state tax return or returns~~ **apply for the department's approval of the tax credit and notify the department of the person's purchase or lease of a qualified vehicle** in the manner prescribed by the department; ~~and~~

(2) **submit proof of the purchase or lease to the department and** file with the department information that the department determines is necessary for the calculation of the credit under this chapter;

(3) attach proof of the department's approval of the tax credit to the person's state tax return or returns; and

(4) claim the approved tax credit on the person's state tax return or returns in the manner prescribed by the department.

(b) The department shall record the time of filing of each ~~return claiming a credit under this section~~ **application for the department's approval of a tax credit** and shall, except as provided in subsection (c), ~~grant~~ **approve granting** the credit to the person, if the person otherwise qualifies for a credit under this chapter, in the chronological order in which the ~~return~~ **application for the department's approval** is filed in the year.

(c) If the total credits ~~granted~~ **approved** under this section equal the maximum amount allowable in the year, ~~a return claiming~~ **the department may not approve an application for** the credit filed later in that year. ~~may not be approved.~~

SECTION 4. IC 6-6-2.5-1, AS AMENDED BY P.L.277-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas, ~~liquid or compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product,~~ not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane **or** propane. ~~or liquid or compressed natural gas.~~

SECTION 5. IC 6-6-2.5-16.5 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 16.5. As used in this chapter, "natural gas product" means:**

(1) a liquid or compressed natural gas product; or

(2) a combination of liquefied petroleum gas and a compressed natural gas product;

used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance.

SECTION 6. IC 6-6-2.5-22, AS AMENDED BY P.L.277-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 22. As used in this chapter, "special fuel" means all combustible gases and liquids that are:

(1) suitable for the generation of power in an internal combustion engine or motor; or

(2) used exclusively for heating, industrial, or farm purposes other than for the operation of a motor vehicle.

Special fuel includes biodiesel and blended biodiesel (as defined in IC 6-6-2.5-1.5) and ~~alternative fuels.~~ **natural gas products.** However, the term does not include **an alternative fuel,** gasoline (as defined in IC 6-6-1.1-103), ethanol produced, stored, or sold for the manufacture of or compounding or blending with gasoline, kerosene, and jet fuel (if the purchaser of the jet fuel has provided to the seller proof of the purchaser's federal jet fuel registration at or before the time of sale).

SECTION 7. IC 6-6-12-5, AS ADDED BY P.L.277-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. **(a) Before July 1, 2014,** a carrier that consumes compressed natural gas to propel a vehicle described in IC 6-6-4.1-2(a) may claim a credit against the road taxes imposed upon the carrier's consumption of compressed natural gas in the previous state fiscal year.

(b) After June 30, 2014, a carrier that consumes compressed natural gas to propel a vehicle described in IC 6-6-4.1-2(a) may claim a credit against the road taxes imposed upon the carrier's consumption of compressed natural gas in the previous calendar quarter. A carrier must claim the credit in the manner prescribed under section 7 of this chapter before the following due dates:

(1) October 30 in 2014 and each year thereafter.

(2) January 30 in 2015 and each year thereafter.

(3) April 30 in 2015 and each year thereafter.

(4) July 30 in 2015 and each year thereafter.

SECTION 8. IC 6-6-12-6, AS ADDED BY P.L.277-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 6. The amount of a credit allowed under this chapter is equal to twelve percent (12%) of the road taxes imposed upon the carrier's consumption of compressed natural gas in:

(1) the previous state fiscal year **for compressed natural gas consumed before July 1, 2014; or**

(2) the previous calendar quarter for compressed natural gas consumed after June 30, 2014.

SECTION 9. IC 6-6-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]:

Chapter 14. Alternative Fuel Decals

Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane or propane.

Sec. 2. As used in this chapter, "department" means the department of state revenue.

Sec. 3. As used in this chapter, "special fuel" has the meaning set forth in IC 6-6-2.5-22.

Sec. 4. (a) The owner of one (1) of the following motor vehicles that is registered in Indiana and that is propelled by alternative fuel shall obtain an alternative fuel decal for the motor vehicle and pay an annual fee in accordance with the following schedule:

SCHEDULE

Motor Vehicle	Annual Fee
A passenger motor vehicle, truck, or bus, the declared gross weight of which is equal to or less than 9,000 pounds.	$100
A recreational vehicle.	$100
A truck or bus, the declared gross weight of which is greater than 9,000 pounds but equal to or less than 11,000 pounds.	$175

An alternative fuel delivery truck powered by alternative fuel, which is a truck the declared gross weight of which is greater than 11,000 pounds.	**$250**
A truck or bus, the declared gross weight of which is greater than 11,000 pounds, except an alternative fuel delivery truck.	**$300**
A tractor, designed to be used with a semitrailer.	**$500**

Only one (1) fee is required to be paid per motor vehicle per year.

(b) The annual fee may be prorated on a quarterly basis if:

(1) application is made after June 30 of a year; and

(2) the motor vehicle is newly:

(A) converted to alternative fuel;

(B) purchased; or

(C) registered in Indiana.

Sec. 5. (a) The owner of a motor vehicle that is propelled by alternative fuel and is:

(1) registered outside Indiana; and

(2) operated on a public highway in Indiana;

shall obtain a temporary trip permit. An alternative fuel temporary trip permit may be purchased from a licensed propane dealer who sells alternative fuels.

(b) A temporary trip permit is valid for seventy-two (72) hours from the time of purchase. The fee for each permit is five dollars and fifty cents ($5.50). The fee for an alternative temporary trip permit must be collected from the purchaser by the licensed propane dealer and paid monthly to the administrator on forms prescribed by the department.

Sec. 6. (a) Before dispensing alternative fuel into a motor vehicle, a person desiring to make alternative fuel sales in Indiana must be licensed by the department as a propane dealer. A person may apply for a propane dealer license on a form prescribed by the department. The department may make any reasonable investigation of an applicant before issuing a license to the applicant. The fee for a propane dealer license is fifty dollars ($50).

(b) The department shall issue a license card to each applicant approved for a propane dealer license. A licensed propane dealer shall display the license card in a conspicuous place at each

location operated by the licensed propane dealer where alternative fuel is dispensed into motor vehicles in Indiana.

(c) The department may rescind a propane dealer license if the propane dealer fails to comply with any requirement of this chapter.

(d) Fees collected under this section must be deposited, allocated, and distributed in the same manner that special fuel taxes are deposited, allocated, and distributed under IC 6-6-2.5-67.

Sec. 7. (a) The administrator shall issue an alternative fuel decal to an owner of a motor vehicle propelled by alternative fuel who applies for a decal, pays to the administrator the fee, and provides the information that is required by the administrator.

(b) An alternative fuel decal is effective from April 1 of each year through March 31 of the next year. The administrator may extend the expiration date for not more than thirty (30) days. During the month of March, the owner shall display the valid decal through March 31 or the decal issued to the owner for the next twelve (12) months. If the administrator grants an extension of the expiration date, the owner shall continue to display the decal for which the extension was granted.

Sec. 8. (a) The owner of a motor vehicle propelled by alternative fuel shall affix the alternative fuel decal to the lower left side of the front windshield of the motor vehicle for which it was issued. The decal may be displayed only on the motor vehicle for which the decal was issued.

(b) Upon application of the owner and surrender of a decal, the administrator may issue a new decal or give credit toward the fee for a decal for another vehicle or for a subsequent twelve (12) months. Upon receipt of the new decal or a credit statement, the owner shall return to the administrator:

(1) the old decal; or

(2) a sworn statement indicating that the old decal has been destroyed.

(c) A credit under this section shall be computed by multiplying the fee paid for the old decal by a fraction. The denominator of the fraction is the number of whole and partial quarters for which the old decal was issued. The numerator of the fraction is the number of remaining whole quarters that the old decal would have been valid.

(d) A credit under this section may not be given during the last three (3) months before the decal expires.

(e) No refunds may be allowed under this section.

Sec. 9. A person may place or cause to be placed alternative fuel into the fuel supply tank of a motor vehicle only under one (1) of the following conditions:

(1) The motor vehicle has a valid alternative fuel decal affixed to the front windshield.

(2) The operator has a copy of a completed application for a decal for the motor vehicle, which application was filed with the department not more than thirty (30) days before the sale of the fuel.

SECTION 10. IC 9-13-2-31.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31.5. **(a) Before January 1, 2016,** "commercial vehicle", for purposes of IC 9-18-2-4.5, means a motor vehicle or combination of motor vehicles used in commerce to transport property if the motor vehicle:

(1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds;

(2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds; or

(3) meets both of the following requirements:

(A) The motor vehicle has a gross vehicle weight rating of at least seven thousand (7,000) pounds, but less than twenty-six thousand one (26,001) pounds.

(B) The motor vehicle is owned by a registered carrier holding a valid Indiana fuel tax permit under IC 6-6-4.1.

(b) After December 31, 2015, "commercial vehicle", for purposes of IC 9-18-2-4.6, means a motor vehicle used in commerce to transport property if the motor vehicle:

(1) has a declared gross vehicle weight of at least sixteen thousand (16,000) pounds; and

(2) is subject to the commercial motor vehicle excise tax under IC 6-6-5.5.

SECTION 11. IC 9-18-2-4.5, AS AMENDED BY P.L.293-2013(ts), SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 4.5. (a) Upon payment of the annual registration fee under IC 9-29-5, and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the ~~registered~~ owner of at least twenty-five (25) commercial vehicles with a declared gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds. The license plate issued under this section for a commercial vehicle is permanently valid.

(b) ~~If the~~ **A** registered owner of at least twenty-five (25) commercial vehicles with a declared gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds ~~submits~~ **shall submit** the application of registration for the commercial vehicles on an aggregate basis ~~it must be~~ by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

(1) sells (and does not replace);

(2) disposes of; or

(3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(d) This section does not relieve the owner of the vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(e) A registered plate issued under subsection (a) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate issued under subsection (b), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(f) The department of state revenue shall adopt rules under IC 4-22-2 necessary to administer this section.

(g) The following apply to rules adopted by the bureau before January 1, 2014, under subsection (f):

(1) The rules are transferred to the department of state revenue on January 1, 2014, and are considered, after December 31, 2013, rules of the department of state revenue.

(2) After December 31, 2013, the rules are treated as if they had

been adopted by the department of state revenue.

(h) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

(i) This section expires January 1, 2016.

SECTION 12. IC 9-18-2-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.6. (a) This section applies to registrations in a calendar year beginning after December 31, 2015.**

(b) Upon payment of the annual registration fee under IC 9-29-5 and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the owner of at least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is permanently valid.

(c) The application of registration for the commercial vehicles must be on an aggregate basis by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(d) The registration for a commercial vehicle is void when the registered owner:

(1) sells (and does not replace);

(2) disposes of; or

(3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(e) This section does not relieve the owner of a vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(f) A registered license plate issued under subsection (b) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate of registration issued under subsection (c), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(g) The department of state revenue shall adopt rules under IC 4-22-2 necessary to administer this section.

(h) The following apply to rules adopted by the bureau before January 1, 2014, under section 4.5(f) of this chapter (before its

expiration):

(1) The rules are transferred to the department of state revenue and are considered rules of the department of state revenue.

(2) The rules are treated as if they had been adopted by the department of state revenue.

(i) Upon qualification under this section, a vehicle subject to the commercial vehicle excise tax under IC 6-6-5.5, including trailers and semi-trailers, must be registered with the department of state revenue and issued a permanent license plate.

(j) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

SECTION 13. IC 9-18-2-47, AS AMENDED BY P.L.262-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

(1) truck license plates issued under section 4.5 **(before its expiration), 4.6,** or 18 of this chapter; and

(2) general assembly and other state official license plates issued under IC 9-18-16.

SECTION 14. IC 9-19-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person may not operate a motor truck, passenger bus, or truck-tractor upon a highway outside the corporate limits of a municipality from a half hour after sunset to a half hour before sunrise unless the vehicle carries the following equipment:

(1) At least three (3):

(A) flares (liquid-burning pot torches);

(B) red electric lanterns; or

(C) portable red emergency reflectors;

each of which must be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

(2) At least three (3) red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried.

(3) At least two (2) red-cloth flags, not less than twelve (12) inches square, with standards to support the flags.

(b) A flare (liquid-burning pot torch), fusee, electric lantern, or cloth warning flag may not be used to comply with this section unless the equipment has been submitted to and approved by the director of traffic safety.

(c) A portable reflector unit may not be used to comply with this section unless the unit:

(1) is designed and constructed to include two (2) reflecting elements, one (1) above the other, each of which must be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps; and

(2) has been submitted to and approved by the director of traffic safety.

(d) A person may not operate at the time and under conditions stated in subsection (a) a:

(1) motor vehicle used for the transportation of explosives; **or**

(2) cargo tank truck used for the transportation of flammable liquids or compressed gases; ~~or~~

~~(3) motor vehicle using compressed gas as a fuel;~~

unless three (3) red electric lanterns or three (3) portable red emergency reflectors are carried in the vehicle that meet the requirements of subsection (a). A person may not carry in such a vehicle a flare, fusee, or signal produced by flame.

SECTION 15. **An emergency is declared for this act.**

P.L.213-2014
[H.1187. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 8-1-2-61.7, AS ADDED BY P.L.251-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 61.7. (a) As used in this section, "utility" refers to a wastewater utility that:

(1) is owned or operated by a political subdivision (as defined in IC 36-1-2-13); and

(2) is not under the jurisdiction of the commission for the approval of rates and charges.

(b) As used in this section, "wholesale sewage service" means the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste provided by a utility to another utility.

(c) A utility that:

(1) either provides or receives wholesale sewage service; and

(2) negotiates to renew or enter into a new contract for wholesale sewage service on expiration of a contract for the same wholesale sewage service;

may file a petition for review of rates and charges for wholesale sewage service with the commission or the circuit or superior court with jurisdiction in the county where the utility has its principal office.

(d) If a utility files a petition under subsection (c), the following apply:

(1) The utility that provides the wholesale sewage service has the burden of proving that the rates and charges are just and reasonable.

(2) A petition concerning the same rates and charges may not be filed with both the commission and a court.

(3) If multiple petitions concerning the same rates and charges are filed, all petitions filed after the first petition filed must be:

(A) consolidated with the first petition filed; and

(B) heard in the forum in which the first petition was filed.

(4) The petition is not subject to IC 36-9-23 or IC 36-9-25. **However, the petition may be subject to IC 8-1.5-6.**

(5) If the petition is heard by a court, the court shall hear the petition de novo.

(e) After notice and hearing, the commission may issue an order determining whether the rates and charges that are the subject of a petition filed with the commission under subsection (c) are just and reasonable. The order of the commission is a final order for purposes of IC 8-1-3.

(f) This section does not:

(1) authorize the commission to revise rates and charges of a utility for any other purpose other than as stated in this section; or

(2) otherwise return or subject a utility to the jurisdiction of the commission.

(g) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 2. IC 8-1-2-70, AS AMENDED BY P.L.251-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 70. In its order upon any investigation made under the provisions of this chapter, ~~or~~ IC 8-1.5-3, **or IC 8-1.5-6,** either upon complaint against any municipal utility, ~~or~~ upon the petition of any such municipal utility, or upon the initiation of the commission, the commission shall ascertain and declare the expenses incurred by it upon such investigation, and the municipal utility affected thereby shall pay into the commission public utility fund account described in IC 8-1-6-2 the amount of the expenses, so ascertained and declared, within a time to be fixed in the order, not exceeding twenty (20) days from the date thereof. The commission shall cause a certified copy of all such orders to be delivered to an officer or agent of the municipal utility affected thereby, and all such orders shall, of their own force, take effect and become operative twenty (20) days after service thereof unless a different time be provided in said order. Any order of the commission as may increase any rate of such municipal utility shall not take effect until such expenses are paid into the commission public

utility fund account described in IC 8-1-6-2.

SECTION 3. IC 8-1-2-86.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 86.5. (a) As used in this section, "four (4) mile area" means the area within four (4) miles of a municipality's corporate boundaries.~~

~~(b) Except as provided in subsection (c), the commission, after notice and hearing, may, by order, determine territorial disputes between all water utilities.~~

~~(c) This subsection applies only to a municipality:~~

~~(1) having a population of less than seven thousand five hundred (7,500); and~~

~~(2) that, as of January 1, 2007, has adopted an ordinance exercising the power to regulate the furnishing of water to the public granted by IC 36-9-2-14 within a four (4) mile area.~~

~~The commission may not determine a territorial dispute within a four (4) mile area unless the territorial dispute concerns a geographic area located in more than one (1) four (4) mile area.~~

SECTION 4. IC 8-1-13-18.5, AS AMENDED BY P.L.42-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) Except as provided in subsection (i), a corporation organized under this chapter or a corporation organized under IC 23-17 whose membership includes one (1) or more corporations organized under this chapter may withdraw from the jurisdiction of the commission. A corporation organized under this chapter that withdraws from the jurisdiction of the commission must comply with all provisions of this chapter that do not directly concern the commission and must continue to pay the public utility fee required under IC 8-1-6. A member of a corporation that has withdrawn from the commission's jurisdiction shall have reasonable access to the meetings and the minutes of the meetings of the corporation's board of directors, except for executive sessions that concern personnel matters and confidential or proprietary matters that may:

(1) invade the privacy of a member or an employee of the corporation; or

(2) impair the corporation's bargaining, legal, or competitive position;

if the matter is disclosed to the member.

(b) A corporation that proposes to withdraw under this chapter from

the jurisdiction of the commission must first obtain the approval of the members.

(c) The board of a corporation that proposes to withdraw under this chapter from the jurisdiction of the commission must conduct a referendum of the members of the corporation to determine whether the members approve of the removal of the corporation from the jurisdiction of the commission.

(d) A board must send written notice of the board's intent to conduct a referendum to the commission before the board may conduct the referendum.

(e) A referendum may be conducted at an annual or special meeting of the members held under section 8 of this chapter if a quorum is present.

(f) Written notice of a meeting at which a referendum is to be conducted must be sent to every member not less than thirty (30) days before the date of the meeting. The notice must contain the following information:

(1) The place, date, and hour of the meeting.

(2) The fact that a referendum will be conducted at the meeting to determine whether the members approve of the removal of the corporation from the jurisdiction of the commission.

(3) The fact that no proxies will be permitted to determine whether the members approve of the removal of the corporation from the jurisdiction of the commission.

(g) A board shall distribute secret ballots to the members present at the meeting. The ballots must be in a form substantially equivalent to the following:

___ YES. I want the corporation to withdraw from the jurisdiction of the commission.

___ NO. I want the corporation to remain under the jurisdiction of the commission.

Only those members present in person at the meeting may vote. Each member is entitled to one (1) vote on the question of the corporation's withdrawal from jurisdiction of the commission. If a majority of the members present vote in favor of withdrawing from the jurisdiction of the commission, the withdrawal is effective thirty (30) days after the date of the vote. If less than a majority of the members vote in favor of withdrawing the corporation from jurisdiction of the commission, the

corporation is prohibited from conducting another referendum concerning withdrawal for eighteen (18) months following the date of the meeting at which the vote was taken. Parties aggrieved by the conduct of the referendum must file an action in the circuit or superior court with jurisdiction in the county where the corporation has the corporation's principal office to allege noncompliance with this section not more than thirty (30) days after the date of the vote.

(h) If a corporation withdraws from jurisdiction of the commission, the corporation's secretary shall not more than five (5) days after the date of the vote send a verified certification of the vote to the commission affirming that all the requirements of this section were met and include all of the following:

(1) The total membership of the corporation.

(2) The total number of members voting in the referendum.

(3) The actual vote, for and against withdrawal.

(i) If a corporation withdraws from the jurisdiction of the commission, the commission shall continue to exercise jurisdiction over the corporation only as to the following:

(1) Electric service area assignments under IC 8-1-2.3.

(2) Certificates of public convenience and necessity, certificates of territorial authority, and indeterminate permits under IC 8-1-2, IC 8-1-8.5, or IC 8-1-8.7.

~~(3) Water utility disputes under IC 8-1-2-86.5.~~

(j) Whenever two (2) or more corporations organized under this chapter consolidate or merge under section 16 of this chapter, and one (1) but not all of the corporations has withdrawn from the jurisdiction of the commission under this section, the consolidated or merged corporation is under the jurisdiction of the commission until the consolidated or merged corporation withdraws from jurisdiction of the commission under this section, unless the agreement for consolidation or merger approved under section 16 of this chapter includes the withdrawal from the jurisdiction of the commission under this section.

(k) A board of a corporation that has withdrawn from the jurisdiction of the commission under this section must conduct a referendum of the corporation's members to determine whether the corporation should return to the jurisdiction of the commission upon receipt of:

(1) a petition for a referendum signed by not less than fifteen

percent (15%) of the corporation's members; or

(2) a resolution ordering a referendum adopted by a majority vote of the board of directors of the corporation.

Upon receipt of the petition or adoption of the resolution by the board, the board shall inform the commission of the petition or resolution and shall thereafter conduct a referendum at the next annual meeting of the corporation held under section 8 of this chapter, or if the next annual meeting is more than ninety (90) days after the date the petition was received or resolution for referendum was adopted by the board, then at a special meeting called by the board and held not more than ninety (90) days after receipt of the petition or adoption of the resolution. The process provided in subsections (d), (e), (f), (g), and (h) shall be followed when conducting a referendum under this subsection, except the form of the ballots must be as follows:

___ YES. I want the corporation to return to the jurisdiction of the commission.

___ NO. I want the corporation to remain outside the jurisdiction of the commission.

If a corporation returns to the jurisdiction of the commission, the commission shall resume all the jurisdiction it would have if the corporation had not withdrawn, effective thirty (30) days following the date the referendum was conducted. If less than a majority of the members voting at the referendum vote in favor of returning to the jurisdiction of the commission, a referendum on the question presented at the referendum may not be conducted for eighteen (18) months following the date of the vote.

SECTION 5. IC 8-1-17.5-25, AS AMENDED BY P.L.256-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the commission may exercise jurisdiction over a surviving corporation or successor corporation formed under this chapter only to do the following:

(1) Ensure compliance with IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.

(2) Perform the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and

referrals.

(3) Enforce rules adopted under IC 8-1-29 to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(4) Conduct proceedings under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(5) Perform the commission's duties under IC 8-1-2.6-1.5 or IC 8-1-2-5.

(6) Issue or maintain certificates of territorial authority for communications service providers under IC 8-1-32.5.

(7) Perform the commission's duties under IC 8-1-34 to issue and maintain certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(8) Perform the commission's duties under IC 8-1-2.6-13(c)(9) concerning the reporting of information by communications service providers.

(9) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(10) Perform the commission's duties under IC 8-1-2.3 with respect to assigned service areas for electricity suppliers.

(11) Issue:

(A) certificates of public convenience and necessity, certificates of territorial authority, and indeterminate permits under IC 8-1-2;

(B) certificates of public convenience and necessity under IC 8-1-8.5; or

(C) certificates of public convenience and necessity under

IC 8-1-8.7.

(12) Determine territorial disputes between water utilities under ~~IC 8-1-2-86.5.~~ **IC 8-1.5-6.**

SECTION 6. IC 8-1-32-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. This chapter does not reduce or supersede the commission's jurisdiction under IC 8-1-2-86 and ~~IC 8-1-2-86.5.~~ **IC 8-1.5-6.**

SECTION 7. IC 8-1.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6. Utility Service in Regulated Territories

Sec. 1. As used in this chapter, "municipal utility" refers to a municipally owned:

(1) water utility;

(2) wastewater utility; or

(3) combined water and wastewater utility;

regardless of whether the municipal utility is under the jurisdiction of the commission for the approval of rates and charges.

Sec. 2. As used in this chapter, "regulated territory" means the area outside the corporate boundaries of a municipality described in:

(1) IC 36-9-2-18;

(2) IC 36-9-2-19; or

(3) IC 36-9-23-36.

Sec. 3. As used in this chapter, "regulatory ordinance" means an ordinance adopted by a municipality that:

(1) asserts the exclusive authority of a municipal utility to provide service within a regulated territory; or

(2) prohibits another utility from providing utility service in the regulated territory.

Sec. 4. As used in this chapter, "utility" means a utility that provides:

(1) water service;

(2) wastewater service; or

(3) combined water and wastewater service;

regardless of whether the utility is under the jurisdiction of the commission for the approval of rates and charges. The term includes a municipal utility.

Sec. 5. As used in this chapter, "wholesale sewage petition" refers to a petition filed under IC 8-1-2-61.7 for review of rates and charges for wholesale sewage service.

Sec. 6. Notwithstanding any other provision in this title or IC 36, the offering or provision of service by a utility in a regulated territory is under the jurisdiction of the commission as set forth in sections 7, 8, 9, and 10 of this chapter.

Sec. 7. (a) This section applies if:

(1) a municipality adopts a regulatory ordinance before January 1, 2013;

(2) a dispute arises or exists between a utility owned by the municipality and another utility as to which utility provides service to customers that connected to service provided by one (1) of the utilities:

(A) after the date on which the regulatory ordinance was adopted; and

(B) before March 15, 2014; and

(3) the utilities are unable to resolve a dispute described in subdivision (2) through mutual agreement.

(b) Not later than October 1, 2014, a utility shall petition the commission for resolution of the dispute. The petition must be in the form and manner prescribed by the commission. Upon the filing of the petition, the commission shall assume immediate and exclusive jurisdiction over the utilities for purposes of resolving the dispute.

(c) Upon assuming jurisdiction under subsection (b) and after notice and hearing, the commission shall issue an order resolving all issues presented in the petition described in subsection (b), including determining the manner in which the utilities shall provide service to the customers that are the subject of the dispute, in the manner that the commission determines is in the public interest. In making the determination, the commission shall consider the criteria set forth in section 8(g) of this chapter. The commission shall issue the order within three hundred (300) days after the petition described in subsection (b) is filed.

Sec. 8. (a) This section applies if:

(1) a municipality adopts a regulatory ordinance after December 31, 2012; and

(2) a utility owned by the municipality files a wholesale

sewage petition.

(b) A municipality may not enforce a regulatory ordinance until all the following conditions are satisfied:

(1) There is a final judgment on the wholesale sewage petition that concludes all administrative and judicial proceedings. For purposes of this subdivision, a final judgment includes an order of the commission under subsection (f).

(2) The commission has issued an order under subsection (f) that resolves all issues included in a petition filed under subsection (d) in a manner that the commission determines is in the public interest.

(3) The municipality has modified the regulatory ordinance to comply with the order of the commission described in subdivision (2), if necessary.

(c) A utility may file with the commission a petition alleging that the final judgment of a court on the wholesale sewage petition does not resolve all issues included in the wholesale sewage petition that are related to:

(1) the service territory of the municipality; or

(2) rates and charges for wholesale sewage service.

The commission shall assume immediate and exclusive jurisdiction over the municipal utility upon the filing of the petition for purposes of resolving the remaining issues. After notice and hearing, the commission shall issue an order within three hundred (300) days after the petition is filed resolving all issues presented in the petition in the manner that the commission determines is in the public interest. In making a determination of the public interest, the commission shall consider the factors set forth in subsection (g). The commission may combine a hearing under this subsection with a hearing under subsection (f) and issue a single order on the combined hearing.

(d) Not later than October 1, 2014, a municipal utility shall petition the commission for approval of the regulatory ordinance. The petition must include the following:

(1) A description of the service territory established in the regulatory ordinance.

(2) Proposed rates and charges for the services to be provided in the service territory.

(3) A list of any administrative or judicial proceedings

involving the regulatory ordinance or the wholesale sewage petition.

(4) A list of any utilities actually or potentially affected by the regulatory ordinance.

(e) Upon the filing of a petition described in subsection (d), the commission shall do the following:

(1) Encourage all utilities listed under subsection (d)(4) to reach a mutual agreement that apportions the provision of service in the regulated territory among the utilities. A mutual agreement described in this subdivision is the preferred method of establishing service territories in a regulated territory. To take effect, a mutual agreement must be approved by the commission in an order issued under subsection (f), and the commission may approve a mutual agreement only if the commission determines that the mutual agreement is in the public interest.

(2) If the utilities are unable to reach a mutual agreement under subdivision (1), the commission shall assume immediate and exclusive jurisdiction over the municipal utility, including the wholesale sewage petition if there is no final judgment from a court on the wholesale sewage petition.

(f) Upon assuming jurisdiction under subsection (e)(2) and after notice and hearing, the commission shall issue an order resolving:

(1) all issues presented in the petition described in subsection (d), including the enforceability of the regulatory ordinance; and

(2) any applicable issues presented in the wholesale sewage petition;

in the manner that the commission determines is in the public interest. The commission shall issue the order within three hundred (300) days after the petition described in subsection (d) is filed.

(g) In making a determination under subsection (f), the commission shall consider the following:

(1) The ability of another utility to provide service in the regulated territory.

(2) The effect of a commission order on customer rates and charges for service provided in the regulated territory.

(3) The effect of the commission's order on present and future economic development in the regulated territory.

(4) The history of utility service in the regulated territory, including any contracts for utility service entered into by the municipality that adopted the regulatory ordinance and any other municipalities, municipal utilities, or utilities.

(5) Any other factors the commission considers necessary.

Sec. 9. (a) This section applies if:

(1) a municipality adopts a regulatory ordinance after December 31, 2012; and

(2) a utility owned by the municipality does not, or is not eligible to, file a wholesale sewage petition.

(b) A municipality may not enforce a regulatory ordinance until the commission issues an order under subsection (c). The municipality shall petition the commission for approval of the regulatory ordinance. The petition must include the following:

(1) A description of the service territory established in the regulatory ordinance.

(2) Proposed rates and charges for the services to be provided in the service territory.

(3) A list of any administrative or judicial proceedings involving the regulatory ordinance.

(4) A list of any utilities actually or potentially affected by the regulatory ordinance.

(c) After notice and hearing, the commission shall issue an order resolving all issues presented in the petition described in subsection (b), including the enforceability of the regulatory ordinance in the manner that the commission determines is in the public interest. In making a determination of the public interest, the commission shall consider the factors set forth in section 8(g) of this chapter. The commission shall issue the order within three hundred (300) days after the petition described in subsection (b) is filed.

(d) If the commission does not approve the petition, the municipality may modify and resubmit the petition in the manner prescribed by the commission. After notice and hearing, the commission shall review the petition as set forth in subsection (c). If the commission does not approve the resubmitted petition, the regulatory ordinance is void.

(e) The municipality may petition the commission to rescind or modify an order issued under subsection (c) not earlier than five (5) years after the date on which the order was issued.

Sec. 10. (a) This section applies to a dispute, other than a dispute described in section 7, 8, or 9 of this chapter, that:

(1) arises between two (2) or more utilities as to which utility will provide utility service in a regulated territory; and

(2) is not the subject of an action initially filed in a court before January 1, 2014.

A dispute shall be resolved by the commission under this section.

(b) A proceeding under this section may be initiated:

(1) by a utility that is a party to a dispute described in subsection (a); or

(2) by the commission on its own initiative.

(c) Throughout a proceeding under this section, the commission shall, where feasible, promote the resolution of the dispute described in subsection (a) through a mutual agreement between the utilities that apportions the provision of utility service in the regulated territory. A mutual agreement described in this subsection is the preferred way of resolving a dispute described in subsection (a). However, to resolve the dispute, a mutual agreement must be approved by the commission in an order issued under subsection (e), and the commission may approve a mutual agreement only if the commission determines that the mutual agreement is in the public interest.

(d) If the utilities are unable to reach a mutual agreement under subsection (c), the commission shall determine the manner in which utilities shall provide service in the regulated territory. In making the determination, the commission shall consider the criteria set forth in section 8(g) of this chapter.

(e) After notice and hearing, the commission shall issue an order:

(1) approving a mutual agreement under subsection (c); or

(2) making a final determination under subsection (d).

Sec. 11. This section applies to a municipality that:

(1) after December 31, 2012, adopts a regulatory ordinance that establishes a service territory that is smaller than the regulated territory; and

(2) either:

(A) amends the ordinance described in subdivision (1); or

(B) adopts a new ordinance;

to establish a service territory that is larger than the service

territory described in subdivision (1).

Before an ordinance described in subdivision (2) may take effect, the municipality shall submit the ordinance to the commission for approval under section 10 of this chapter.

Sec. 12. An order issued by the commission under this chapter is a final order for purposes of IC 8-1-3 and is enforceable in court.

Sec. 13. A petition filed under this chapter is not subject to the following:

(1) IC 8-1.5-3.

(2) IC 36-9-23.

(3) IC 36-9-25.

SECTION 8. **An emergency is declared for this act.**

P.L.214-2014

[H.1217. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning environmental regulation.

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

SECTION 1. IC 14-8-2-199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 199. **(a) "Permit", for purposes of IC 14-28-1-38, has the meaning set forth in IC 14-28-1-38(a).**

(b) "Permit", for purposes of IC 14-34, means a permit issued under IC 14-34 to conduct a surface coal mining and reclamation operation.

SECTION 2. IC 14-28-1-37 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 37. The department and the department of environmental management shall, not later than January 1, 2015, develop and implement a process to improve efficiency and transparency in programs for:**

(1) water quality certifications from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341);

(2) permits from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22; and

(3) permits from the director for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

SECTION 3. IC 14-28-1-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 38. (a) As used in this section, "permit" means any of the following:**

(1) A water quality certification from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341).

(2) A permit from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22.

(3) A permit from the director for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

(b) In establishing the process required under section 37 of this chapter, the department and the department of environmental management shall do the following:

(1) Determine:

(A) how to inform a person who proposes to perform work for which a permit is required of the need to seek a permit for the work; and

(B) how to ensure that a person proposing to perform work for which a permit is required is informed of every state permit the person needs in order to do the work.

(2) Change the:

(A) application forms;

(B) application processes; or

(C) application forms and application processes;

used by the department and the department of environmental management for purposes of permits as necessary to ensure that a person proposing to perform work for which a permit is required is not required to provide the same information separately to the department and the department of

environmental management.

(3) Determine how either the department or the department of environmental management may serve as the single point of contact, for purposes of:

(A) distributing and receiving permit applications;

(B) obtaining information needed to complete the processing of permit applications; and

(C) issuing permits;

for an applicant who does not need to have independent contact with the department that is not serving as the single point of contact.

(4) Create an internal process to ensure that the appropriate office within the department and the department of environmental management receives and timely reviews each permit application.

(5) Ensure that the processing of each permit application is monitored.

P.L.215-2014

[H.1219. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 6-6-4.1-2, AS AMENDED BY P.L.45-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to each:

(1) road tractor;

(2) tractor truck;

(3) truck having more than two (2) axles;

(4) truck having a gross weight or a declared gross weight greater

than twenty-six thousand (26,000) pounds; and

(5) vehicle used in combination if the gross weight or the declared gross weight of the combination is greater than twenty-six thousand (26,000) pounds;

that is propelled by motor fuel.

(b) This chapter does not apply to the following:

(1) A vehicle operated by:

(A) this state;

(B) a political subdivision (as defined in IC 36-1-2-13);

(C) the United States; or

(D) an agency of states and the United States, or of two (2) or more states, in which this state participates.

(2) A school bus (as defined by the laws of a state) operated by, for, or on behalf of a:

(A) state;

(B) political subdivision (as defined in IC 36-1-2-13) of a state; or

(C) private or privately operated school.

(3) A vehicle used in casual or charter bus operations.

(4) Trucks, trailers, or semitrailers and tractors that are ~~qualified to be~~ registered ~~and used~~ as farm trucks, farm trailers, or farm semitrailers and tractors ~~and that are registered as such by the bureau of motor vehicles~~ under IC 9-18 or under a similar law of another state.

(5) An intercity bus (as defined in IC 9-13-2-83).

(6) A vehicle described in subsection (a)(1) through (a)(5) when the vehicle is displaying a dealer registration plate.

(7) A recreational vehicle.

(8) A pickup truck that:

(A) is modified to include a third free rotating axle;

(B) has a gross weight not greater than twenty-six thousand (26,000) pounds; and

(C) is operated solely for personal use and not for commercial use.

SECTION 2. IC 9-13-2-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 54. "Farm ~~commodities" for purposes of IC 9-20-4-2, has the meaning set forth in IC 9-20-4-2(c) and IC 9-20-4-2(d).~~ **product":**

(1) includes agricultural products; and

(2) is used interchangeably with "farm commodity".

However, the term does not include logs, wood chips, bark, or sawdust.

SECTION 3. IC 9-13-2-58, AS AMENDED BY P.L.262-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 58. "Farm truck", "farm trailer", or "farm semitrailer and tractor" means a truck, trailer, or semitrailer and tractor used ~~(1) directly in the conduct of a commercial enterprise related to farming or agriculture; or (2)~~ for the transportation of farm products, ~~after the farm products have entered the channels of commerce.~~ **livestock, or machinery or supplies to or from a farm or ranch. The term includes a covered farm vehicle (as defined in 49 CFR 390.5).** The term does not include an implement of agriculture. **The terms may be referred to collectively as "farm vehicles".**

SECTION 4. IC 9-20-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Section 1 of this chapter relating to vehicle weight, IC 9-30 assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and IC 9-30 prohibiting a person from moving a transported vehicle with an excess load until a penalty is paid do not apply to a vehicle or combination of vehicles that transports farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%).

(b) The exemption in subsection (a) does not apply to the following:

(1) Weight limits imposed for bridges or sections of highways under IC 9-20-1-4.

(2) A vehicle operated on any part of an interstate highway.

~~(c) For purposes of this section, "farm commodities" includes logs, wood chips, bark, sawdust, and bulk milk. The exemptions that apply to vehicles that transport farm commodities under subsection (a) apply to the transportation of wood chips, bark, and sawdust at all times if the weight of the vehicle with load does not exceed either the gross weight limit or the axle weight limit by more than ten percent (10%).~~

SECTION 5. IC 9-21-21-1 IS REPEALED [EFFECTIVE JULY 1,

2014]. ~~Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).~~

SECTION 6. IC 9-21-21-2, AS ADDED BY P.L.210-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A farm truck ~~described in section 1 of this chapter~~ may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.

SECTION 7. IC 9-21-21-3, AS AMENDED BY P.L.191-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Except as provided in section 4.3 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor ~~described in section 1 of this chapter~~ begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

(1) in the conduct of a commercial enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(b) due for the remainder of the registration year for the license fee.

SECTION 8. IC 9-21-21-4.3, AS ADDED BY P.L.191-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.3. (a) Notwithstanding section 3 of this chapter, subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor ~~described in section 1 of this chapter~~ may be operated intrastate for the transportation of seasonal, perishable, fruit or vegetables to the first point of processing for not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) eight and one-half percent (8.5%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor.

(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor

~~described in section 1 of this chapter~~ may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor.

(c) The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this section.

SECTION 9. IC 9-29-5-13, AS AMENDED BY P.L.125-2012, SECTION 316, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The registration fee for ~~a motor vehicle, trailer, or semitrailer and tractor operated primarily as~~ a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least eleven thousand (11,000) pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

P.L.216-2014
[H.1237. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 5-16-9-1, AS AMENDED BY P.L.2-2007, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued a placard under IC 9-14-5, **a person who has been issued a modified Purple Heart plate under IC 9-18-19-1(b),** or a person with a disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22.

(f) "Public agency" means:

(1) the state of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions; and

(2) a county, city, town, township, school or conservancy district, other governmental unit or district, or any department, board, or other subdivision of the unit of government.

SECTION 2. IC 5-16-9-5, AS AMENDED BY P.L.50-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 or under the laws of another state, or a registration plate of a person with a physical

disability or a disabled veteran, issued under IC 9-18-18, **IC 9-18-19-1(b),** IC 9-18-22, or under the laws of another state, in a parking space reserved under this chapter for a vehicle of a person with a physical disability commits a Class C infraction.

(b) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled commits a Class C infraction.

(c) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5, IC 9-18-18, **IC 9-18-19-1(b),** IC 9-18-22, or under the laws of another state commits a Class C misdemeanor.

(d) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability commits a Class C infraction if that person is not, at that time, in the process of transporting a person with a physical disability or disabled veteran.

(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars ($100) must be imposed for an infraction committed in violation of this section.

SECTION 3. IC 5-16-9-8, AS AMENDED BY P.L.50-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) As used in this section, "owner" means a person in whose name a motor vehicle is registered under:

(1) IC 9-18;

(2) the laws of another state; or

(3) the laws of a foreign country.

(b) As used in this section, "lessee" means a person who has care, custody, or control of a motor vehicle under a written agreement for the rental or lease of the motor vehicle for less than sixty-one (61) days. The term does not include an employee of the owner of the motor vehicle.

(c) An owner or lessee of a motor vehicle commits a Class C infraction if the motor vehicle:

(1) is located in a parking space in a parking facility that is marked under section 2 of this chapter as a parking space reserved

for a person with a physical disability; and

(2) does not display:

(A) an unexpired parking permit for a person with a physical disability issued under IC 9-14-5;

(B) an unexpired disabled veteran's registration plate issued under IC 9-18-18 **or an unexpired modified Purple Heart license plate under IC 9-18-19-1(b);**

(C) an unexpired registration plate or decal for a person with a physical disability issued under IC 9-18-22; or

(D) an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state.

(d) It is a defense that IC 9-30-11-8 applies to the violation.

(e) It is a defense that the motor vehicle was the subject of an offense described in IC 35-43-4 at the time of the violation of this section.

(f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than one hundred dollars ($100) must be imposed for an infraction committed in violation of this section.

SECTION 4. IC 5-16-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) This chapter does not prohibit a county, city, or town from adopting and enforcing an ordinance that regulates standing or parking of motor vehicles in a space reserved for a person with a physical disability under section 2 of this chapter, IC 9-21-1-3, or IC 9-21-18-4.

(b) An ordinance described in subsection (a) may not conflict with this chapter.

(c) An ordinance described in subsection (a) may not require a person to obtain or display any permit, registration plate, or registration decal to stand or park in a space reserved for a person with a physical disability under section 2 of this chapter, except the following:

(1) A parking permit for a person with a physical disability issued under IC 9-14-5.

(2) A disabled veteran's registration plate issued under IC 9-18-18 **or a modified Purple Heart license plate under IC 9-18-19-1(b).**

(3) A registration plate or decal for a person with a physical

disability issued under IC 9-18-22.

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability.

SECTION 5. IC 5-26-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The integrated public safety communications fund is established to be used only to carry out the purposes of this article. The fund shall be administered by the commission.

(b) The fund consists of:

(1) appropriations from the general assembly;

(2) gifts;

(3) federal grants;

(4) fees and contributions from user agencies that the commission considers necessary to maintain and operate the system;

(5) amounts distributed to the fund under IC 9-29; and

~~(5)~~ **(6)** money from any other source permitted by law.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) If federal funds are not sufficient to pay for the system, the commission shall transfer money from the fund to the communications system infrastructure fund established by IC 5-26-5-4 in amounts sufficient to pay rentals and other obligations under use and occupancy agreements or other contracts or leases relating to the financing of the system under IC 4-13.5.

SECTION 6. IC 6-6-5.5-7, AS AMENDED BY P.L.293-2013(ts), SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7.(a) The annual excise tax for a commercial vehicle will be determined by the motor carrier services division on or before October 1 of each year in accordance with the following

formula:

STEP ONE: Determine the total amount of base revenue for all taxing units using the base revenue determined for each taxing unit under section 19 of this chapter.

STEP TWO: Determine the sum of **registration** fees paid **and collected under IC 9-29-5** to register the following commercial vehicles in Indiana under the following statutes during the fiscal year that ends June 30 immediately preceding the calendar year for which the tax is first due and payable:

(A) ~~Total registration fees collected under IC 9-29-5-3 for~~ Commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes.

(B) ~~Total registration fees collected under IC 9-29-5-5 for~~ Tractors used with semitrailers.

(C) ~~Total registration fees collected under IC 9-29-5-6 for~~ Semitrailers used with tractors.

(D) ~~Total registration fees collected under IC 9-29-5-4 for~~ Trailers having a declared gross weight in excess of three thousand (3,000) pounds. ~~and~~

(E) ~~Total registration fees collected under IC 9-29-5-13 for~~ Trucks, tractors and semitrailers used in connection with agricultural pursuits usual and normal to the user's farming operation, multiplied by two hundred percent (200%).

STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO result.

(b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be determined by multiplying the registration fee under ~~IC 9-29-5-3~~ **IC 9-29-5-3.2** by the tax factor determined in subsection (a).

(c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 by the tax factor determined in subsection (a).

(d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the registration fee under IC 9-29-5-4 by the tax factor determined in subsection (a).

(e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual registration fee under IC 9-29-5-6 by the tax factor determined in subsection (a). The average annual registration fee for a semitrailer under IC 9-29-5-6 is sixteen dollars and seventy-five cents ($16.75).

(f) The annual excise tax determined under this section shall be rounded upward to the next full dollar amount.

SECTION 7. IC 6-6-11-29, AS AMENDED BY P.L.261-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 29. (a) The bureau of motor vehicles shall transfer the department of natural resources fee, the lake and river enhancement fee, the delinquent excise taxes, and the delinquent fees collected under this chapter during the preceding month as follows:

(1) On or before the eleventh day of each month, the bureau of motor vehicles shall transfer to the ~~state license branch~~ **bureau of motor vehicles commission** fund an amount equal to five percent (5%) of each excise tax transaction completed by the bureau. The money is to be used to cover the expenses incurred by the bureau of motor vehicles and the license branches for returns, decals, collecting the fees and excise taxes and ~~to cover any service charges by the commission under IC 9-29-3.~~ **for amounts deposited in the commission fund.** An additional charge may not be imposed for the services of the license branches under this chapter.

(2) At least quarterly, the bureau of motor vehicles shall set aside for the department of natural resources the fees and the delinquent fees collected under this chapter to use as provided in section 35 of this chapter.

(3) On or before the tenth day of each month, the bureau of motor vehicles shall distribute to each county the excise tax collections, including delinquent tax collections, for the county for the preceding month. The bureau of motor vehicles shall include a report with each distribution showing the information necessary

for the county auditor to allocate the revenue among the taxing units of the county.

(4) The bureau of motor vehicles shall deposit the revenue from the lake and river enhancement fee imposed by section 12(b) of this chapter in the lake and river enhancement fund established by section 12.5 of this chapter.

(b) Money credited to each county's account in the state general fund is appropriated to make the distributions and the transfers required by subsection (a). The distributions shall be made upon warrants drawn from the state general fund.

SECTION 8. IC 8-14-1-1, AS AMENDED BY P.L.145-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. As used in this chapter:

(1) "Motor vehicle highway account" means the account of the general fund of the state known as the "motor vehicle highway account" to which is credited collections from motor vehicle registration fees, licenses, driver's and chauffeur's license fees, gasoline taxes, auto transfer fees, certificate of title fees, weight taxes or excise taxes and all other similar special taxes, duties or excises of all kinds on motor vehicles, trailers, motor vehicle fuel, or motor vehicle owners or operators. The account also includes ~~fees collected under IC 9-27-6-9(d).~~ **amounts distributed to the fund under IC 9-29.**

(2) The term "department" refers to the Indiana department of transportation.

(3) The term "highways" includes roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns.

(4) The term "construction" means the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a highway.

(5) The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof.

(6) The term "maintenance" when used in reference to cities, towns, and counties as applied to that part of the highway other than bridges, means the constant making of needed repairs, to

preserve a smooth surfaced highway, adequately drained, marked and guarded by protective structures for public safety and, as to bridges, means the constant making of needed repairs to preserve a smooth surfaced highway thereon and the safety and preservation of the bridge and its approaches, together with the substructure and superstructure thereof; and such term also means and includes the acquisition and use, in any manner, of all needed equipment, fuel, materials, and supplies essential and incident thereto.

(7) The term "vehicle registration" means the number of vehicles subject to registration under IC 9-18 which are registered thereunder, and, when used with respect to the state, shall mean the number of vehicles registered in the state and, when used in respect to a county, city, or town, shall mean the number of vehicles registered by owners resident in the county, city, or town.

SECTION 9. IC 8-14-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.1. The auditor shall create a special fund to be known as the "Highway, Road and Street Fund" for the deposit of the revenues from:

(1) the gasoline and special fuel taxes dedicated to the fund under IC 6-6-1.1-802 and IC 6-6-2.5; and

(2) ~~the increases in fees levied under IC 9-29-4, IC 9-29-5, IC 9-29-9, and IC 9-29-11, which increases are attributable to Acts 1969, Chapter 321, SECTION 1.~~ **amounts deposited in or distributed to the fund under IC 9-29.**

SECTION 10. IC 8-14-10-9, AS AMENDED BY P.L.92-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The crossroads 2000 fund is established for the purpose of constructing or reconstructing state highways. The crossroads 2000 fund consists of distributions received under ~~IC 9-29-1-2, IC 9-29-15-1, IC 9-29-15-3, IC 9-29-15-4, and IC 9-29-17-14.~~ **IC 9-29.**

(b) The crossroads 2000 fund shall be administered by the department. The treasurer of state shall invest the money in the crossroads 2000 fund not currently needed to meet the obligations of the crossroads 2000 fund in the same manner as other public funds may be invested.

(c) Money in the crossroads 2000 fund at the end of a state fiscal

year does not revert to the state general fund.

(d) The department may use the money in the crossroads 2000 fund only to pay the following costs:

(1) The cost of construction or reconstruction of a state highway.

(2) The cost of acquisition of all land, rights-of-way, property, rights, easements, and any other legal or equitable interests acquired by the department for the construction or reconstruction of a state highway, including the cost of any relocations incident to the acquisition.

(3) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the department for the construction or reconstruction of a state highway.

(4) Engineering and legal expenses and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.

(5) Payment of rentals and performance of other obligations under contracts or leases securing bonds issued under IC 8-14.5-6.

SECTION 11. IC 9-13-2-32.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 32.7. "Commission fund" refers to the bureau of motor vehicles commission fund established by IC 9-29-14-1.**

SECTION 12. IC 9-13-2-39.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 39.8. "Crossroads 2000 fund" refers to the crossroads 2000 fund established by IC 8-14-10-9.**

SECTION 13. IC 9-13-2-73.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 73.3. "Highway, road and street fund" refers to the highway, road and street fund established by IC 8-14-2-2.1.**

SECTION 14. IC 9-13-2-82.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 82.5. "Integrated public safety communications fund" refers to the integrated public safety communications fund established by IC 5-26-4-1.**

SECTION 15. IC 9-13-2-94.3 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 94.3. "Local road and street account" refers to the local road and street account established by IC 8-14-2-4.**

SECTION 16. IC 9-13-2-102.3, AS ADDED BY P.L.6-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 102.3. "Metered space", for purposes of IC 9-18-17, ~~and~~ IC 9-18-18, **and IC 9-18-19,** means a public parking space at which parking is regulated by:

(1) a parking meter; or

(2) an official traffic control device that imposes a maximum parking time for the public parking space.

The term does not include parking spaces or areas regulated under IC 9-21-18.

SECTION 17. IC 9-13-2-105.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 105.3. "Motor vehicle highway account" refers to the motor vehicle highway account as defined in IC 8-14-1-1(1).**

SECTION 18. IC 9-13-2-108.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 108.3. "Motorcycle operator safety education fund" refers to the motorcycle operator safety education fund established by IC 9-27-7-7.**

SECTION 19. IC 9-13-2-144.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 144.5. "Pull service charge" ~~for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.~~ **refers to the charge that the commission or bureau may require for a motor vehicle registration plate requested for issuance out of its established numerical sequence.**

SECTION 20. IC 9-13-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 150. (a) "Recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways. **The term does not include a truck camper.**

(b) "Recreational vehicle", for purposes of IC 9-18-2-8, does not include a mobile structure (as defined in IC 22-12-1-17).

SECTION 21. IC 9-13-2-170.5 IS REPEALED [EFFECTIVE

JANUARY 1, 2015]. ~~Sec. 170.5. "Special numbered motor vehicle registration plate" for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.~~

SECTION 22. IC 9-13-2-173.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 173.3. "State highway fund" refers to the state highway fund established by IC 8-23-9-54. The term is synonymous with the primary highway system special account described in IC 8-14-2-1(1).**

SECTION 23. IC 9-13-2-173.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 173.5. "State police building account" refers to the state police building account established by IC 9-29-1-4.**

SECTION 24. IC 9-13-2-173.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 173.7. "State motor vehicle technology fund" refers to the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 25. IC 9-14-3-4, AS AMENDED BY P.L.125-2012, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) **Upon request,** the bureau shall prepare and deliver ~~upon request and payment of the fees prescribed in IC 9-29-2-1,~~ a certified copy of any record of the bureau that is not otherwise declared by law to be confidential. **The fee for a certified copy is the amount set forth in IC 9-29-2-1.**

(b) A certified copy of a record obtained under subsection (a) is admissible in a court proceeding as if the copy were the original.

(c) An electronic record of the bureau obtained from the bureau that bears an electronic signature is admissible in a court proceeding as if the copy were the original.

SECTION 26. IC 9-14-5-7, AS AMENDED BY P.L.262-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. A placard issued under this chapter must be displayed on the dashboard or rear view mirror of a motor vehicle that is parked in a parking space reserved for persons with physical disabilities under this chapter unless the motor vehicle bears a license plate for a person with a disability issued under IC 9-18-22, a disabled

Hoosier veteran's license plate issued under IC 9-18-18, **a modified Purple Heart license plate issued under IC 9-18-19-1(b),** or an equivalent parking permit issued under the laws of another state. If a placard is lost, stolen, damaged, or destroyed, the bureau shall provide a duplicate placard upon the application of the person who was issued the placard.

SECTION 27. IC 9-14-5-8, AS AMENDED BY P.L.125-2012, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** The ~~bureau may establish by rule and charge a fee of not more than five dollars ($5) to cover the cost of issuing~~ **fee to issue** a placard or duplicate placard under this chapter to an individual having a temporary disability **is five dollars ($5). The fee shall be deposited in the commission fund.**

~~However, the bureau may not establish or charge a~~ **(b) There is no** fee for ~~issuing~~ a placard or duplicate placard **issued** under this chapter to an individual having a permanent disability.

SECTION 28. IC 9-15-2-1, AS AMENDED BY P.L.125-2012, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The commission board shall do the following:

(1) Recommend legislation needed to operate the license branches.

(2) Recommend rules needed to operate the license branches.

(3) Review budget proposals for the commission and the license branches operated under IC 9-16, including the budget required by IC 9-16-3-3.

(4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

(5) Establish and adopt minimum standards for the operation and maintenance of each full or partial service license branch operated under IC 9-16.

(6) Administer the ~~state license branch~~ **commission** fund established under IC 9-29-14.

SECTION 29. IC 9-16-1-5, AS AMENDED BY P.L.210-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. Each license branch, full service provider,

or partial services provider shall:

(1) collect the service charges ~~prescribed by IC 9-29-3 and deposit the service charges in the state license branch fund established under IC 9-29-14.~~ **and fees as set forth in IC 9-29 and in policies and other documents of the bureau; and**

(2) remit the amounts collected to the bureau for deposit as set forth in this title.

SECTION 30. IC 9-16-3-2, AS AMENDED BY P.L.125-2012, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The commission shall develop a statewide license branch budget. If the commission board determines that the total of:

(1) revenues from license branch operations; and

(2) appropriations received by the commission;

are insufficient to support license branch operations, the commission ~~shall increase the branch service charges under IC 9-29-3.~~ **may increase fees by rule under IC 9-29-1-12.**

SECTION 31. IC 9-17-3-8, AS AMENDED BY P.L.262-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The bureau shall ~~(1)~~ enable the owner of a motor vehicle titled in Indiana to determine:

~~(A)~~ **(1)** whether that motor vehicle has previously been titled in Indiana; and

~~(B)~~ **(2)** if the motor vehicle has previously been titled in Indiana, whether the title was issued as a salvage title under IC 9-22-3. ~~and (2) impose a service charge under IC 9-29 for services performed by the bureau under this section.~~

SECTION 32. IC 9-18-2-8, AS AMENDED BY SEA 238-2014, SECTION 1, AND AS AMENDED BY HEA 1343-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Except as provided in section 7(h) of this chapter and subsection (f), the bureau shall determine the schedule for registration for the following categories of vehicles:

(1) Passenger motor vehicles.

(2) Recreational vehicles.

(3) Motorcycles.

(4) Trucks that:

(A) are regularly rented to others for not more than

twenty-nine (29) days in the regular course of the corporation's business; and

(B) have a declared gross weight of not more than eleven thousand (11,000) pounds.

(5) Motor driven cycles.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal ~~tag,~~ **sticker,** or other indicia upon registration of the vehicle. The bureau may determine the indicia required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

(1) Administer the certificate of registration.

(2) Issue the license plate according to the bureau's central fulfillment processes.

(3) Collect the proper ~~registration and service fees~~ **fee** in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal ~~tag;~~ **sticker;** or

(2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

(g) After December 31, 2015, a person that:

(1) owns a private bus; and

(2) desires to:

(A) register for the first time; or

(B) reregister;

the private bus;

must present to the bureau an unexpired certificate indicating compliance with an inspection program established under IC 9-19-22-3, in addition to any other information required by the bureau.

SECTION 33. IC 9-18-2-8.5, AS AMENDED BY P.L.286-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8.5. (a) Notwithstanding section 8 of this chapter, a school bus owned by a person other than a school corporation shall be registered before September 28 of each year.

(b) Registration and reregistration for a school bus under this section is for one (1) year.

(c) A certificate of inspection as described under IC 20-27-7-3 must accompany a registration and reregistration application of a school bus under this section.

(d) A person registering a school bus under this section shall pay the annual registration fee required under IC 9-29-5-8 and any **other applicable** fees. ~~and service charges required of a vehicle registered under this chapter.~~

(e) Upon registration of a school bus under this section, the bureau shall issue a license plate under section 30 of this chapter, including:

(1) an annual renewal ~~tag;~~ **sticker;** or

(2) other indicia;

to be attached on the semipermanent plate.

(f) A license plate with a renewal ~~tag~~ **sticker** or other indicia of registration issued under this section may be displayed during:

(1) the calendar year for which the school bus is registered; and

(2) the period:

(A) after the calendar year; and

(B) before September 28 of the subsequent year.

SECTION 34. IC 9-18-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. (a) The bureau, upon registering a vehicle required to be registered by this

chapter, shall issue a certificate of registration.

(b) The certificate of registration shall be delivered to the person leasing the vehicle or to the person who owns the vehicle and shall contain upon the face of the card the following information:

(1) The name and address of the person leasing the vehicle or the person who owns the vehicle.

(2) The date the card was issued.

(3) The registration number assigned to the vehicle.

(4) A description of the vehicle as determined by the bureau.

(c) If a certificate of registration is mutilated, destroyed, or lost, a duplicate certificate of registration must be purchased. The application for a duplicate certificate of registration must be accompanied by the ~~service charge~~ **fee** prescribed under IC 9-29.

SECTION 35. IC 9-18-2-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 48. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a license plate issued under this article.

(b) A person may not create or use a reproduction of a license plate issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection. The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars ($10,000).

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement entered into under subsection (a); or

(2) a civil penalty imposed under subsection (b);

shall be collected and deposited ~~according to IC 9-29-1-1.~~ **in the motor vehicle highway account.**

SECTION 36. IC 9-18-6-2, AS AMENDED BY P.L.262-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), if a license plate is:

(1) lost or stolen;

(2) damaged as to not be legible; or

(3) destroyed;

the person in whose name the license plate was issued may obtain from the bureau a duplicate or ~~a~~ replacement license plate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a license plate is lost or stolen, the bureau may not issue a duplicate or replacement license plate until the person in whose name the plate was issued has first notified:

(1) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or

(2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original license plate has been lost or stolen.

(c) A law enforcement agency to whom a loss or theft is reported shall complete and present to the person reporting the loss or theft a form provided by the bureau indicating that the loss or theft has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a **duplicate or** replacement license plate may be obtained.

(e) The bureau shall charge a fee for a **duplicate or** replacement license plate as set forth in IC 9-29-5-17.

(f) A **duplicate or** replacement license plate must be displayed in the same manner as the original license plate was displayed.

SECTION 37. IC 9-18-6-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 2.1. (a) Except as provided in subsection (b), if a certificate of registration:**

(1) is lost or stolen;

(2) is damaged as to not be legible;

(3) is destroyed; or

(4) requires changes to the information included on the certificate;

the person to whom the certificate is issued may obtain from the bureau a duplicate, an amended, or a replacement certificate by filing with the bureau an application on a form provided by the bureau duly sworn to as provided in IC 9-18-2.

(b) If a certificate of registration is lost or stolen, the bureau

may not issue a duplicate or replacement certificate of registration until the person to whom the lost or stolen certificate was issued has first notified:

(1) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or

(2) the law enforcement agency that has jurisdiction over the address listed on the registration;

that the original certificate of registration has been lost or stolen.

(c) A law enforcement agency to which a loss or theft is reported shall complete and present to the person reporting the loss or theft a form provided by the bureau indicating that the loss or theft has been reported.

(d) The person must present the form described under subsection (c) to the bureau before a duplicate or replacement certificate of registration may be obtained.

(e) The bureau shall charge a fee for a duplicate, an amended, or a replacement certificate of registration as set forth in IC 9-29-5-17.1.

(f) A duplicate, an amended, or a replacement certificate of registration must be carried in the manner required by IC 9-18-2-21.

SECTION 38. IC 9-18-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) If the ownership of a vehicle registered under this article is transferred, except a transfer from a manufacturer or dealer:

(1) the registration of the vehicle expires; and

(2) the person transferring the vehicle shall remove the license plates and certificate of registration from the vehicle.

(b) A person who transfers to another person the ownership of a registered vehicle owned by the person, upon the filing of an application for the transfer of the registration and the payment of a fee under IC 9-29-5-23, may have another vehicle registered in the person's name either individually or jointly with another for the remainder of the registration year if the vehicle to which the registration ~~is~~ **and license plate are** transferred is:

(1) of the same type; and

(2) in the same fee class;

as the vehicle for which the registration ~~was~~ **and license plate were**

originally issued.

(c) If a vehicle to which the registration ~~is~~ **and license plate are** transferred is in a ~~higher~~ **different** fee class than the vehicle for which the registration ~~was~~ **and license plate were** originally issued, the person applying for the transfer shall pay ~~in addition to~~ the transfer fee **under IC 9-29-5-23(b). If the vehicle to which the registration and license plate are transferred is in a higher fee class than the vehicle for which the registration and license plate were originally issued, the person shall also pay** the difference between the fee paid for the registration of the vehicle to which the registration is transferred.

(d) If a person who owns a vehicle wants to change the ownership of the vehicle by the addition of another person as owner, the person shall be issued a certificate of registration with the name of the other person included after the person who owns the vehicle has complied with IC 9-17.

(e) If at least one (1) person who is a joint owner transfers the person's ownership interest in a vehicle to at least one (1) remaining joint owner, the certification of registration shall be issued to the remaining joint owner or owners if the transferring owner or owners relinquish any interest in the use of the registration.

(f) If a person who owns a vehicle wants to display on the vehicle a license plate that is different from the license plate that was issued upon registration of the vehicle, the person shall:

(1) apply to the bureau on a form prescribed by the bureau;

(2) pay the fee under IC 9-29-5-23(c); and

(3) comply with any other requirements, including payment of fees under IC 9-29, associated with the license plate.

SECTION 39. IC 9-18-15-10, AS AMENDED BY P.L.262-2013, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) In addition to the applicable excise tax imposed under IC 6-6-5, the regular registration fees, and any additional fee required to receive a special recognition license plate described in section 1(b) of this chapter, a person applying for or renewing the registration of a personalized license plate shall pay the personalized license plate fee under IC 9-29-5-32.5 upon an original application or registration renewal, as provided in this chapter.

(b) The bureau shall collect the personalized license plate fee at the time of application or registration renewal for the personalized license

plate.

(c) Upon the payment of the required fee ~~and service charges~~ for an original application or renewal of a personalized license plate, the bureau shall issue a receipt.

~~(d) The bureau shall collect the service charge prescribed under IC 9-29 for each initial or renewal application for a personalized license plate as a reservation and special processing fee.~~

SECTION 40. IC 9-18-15-13.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13.5. The bureau shall:~~

~~(1) deduct thirty-seven dollars ($37) of the fee collected for an initial or a renewal application for a personalized license plate; and~~

~~(2) deposit:~~

~~(A) seven dollars ($7) of the fee described in subdivision (1) in the motor vehicle highway account established under IC 8-14-1; and~~

~~(B) thirty dollars ($30) of the fee described in subdivision (1) as a service charge into the state license branch fund established by IC 9-29-14-1.~~

SECTION 41. IC 9-18-17-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 5. A vehicle for a which a license plate is issued under section 1 of this chapter is exempt from the following fees:**

(1) The applicable annual registration fee for the vehicle under IC 9-29-5.

(2) The annual supplemental fee under IC 9-29-5-38(a).

(3) A special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

However, the vehicle is subject to a service charge under IC 9-29-5-38(c).

SECTION 42. IC 9-18-19-1, AS AMENDED BY P.L.262-2013, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The bureau shall design a license plate that will designate a vehicle as being registered to a person who has received a Purple Heart decoration that is awarded to a person who suffers an injury while serving as a member of the armed forces of the United States.

(b) Upon proper application, the bureau may modify a license plate designed under subsection (a) to designate a vehicle as being registered to a person who is:

(1) described in subsection (a); and

(2) eligible to be issued:

(A) a placard under IC 9-14-5; or

(B) a person with a disability registration plate under IC 9-18-22.

~~(b)~~ **(c)** The bureau may issue a license plate designed under subsection (a) **or modified under subsection (b)** to the following types of vehicles:

(1) A passenger motor vehicle.

(2) A truck with a declared gross weight of at least seven thousand (7,000) pounds but less than eleven thousand (11,000) pounds.

(3) A recreational vehicle.

(4) A motorcycle.

SECTION 43. IC 9-18-19-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 4. (a) A person who knowingly and falsely professes to have the qualifications to obtain a license plate under section 1(b) of this chapter commits a Class C misdemeanor.**

(b) A person who owns a motor vehicle bearing a license plate issued under section 1(b) of this chapter when the person knows that the person is not entitled to a license plate issued under section 1(b) of this chapter commits a Class C misdemeanor.

SECTION 44. IC 9-18-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. The bureau may adopt rules under IC 4-22-2 to establish the following:

(1) The term of a civic event license plate.

(2) The qualifications of a person applying for a civic event license plate.

(3) The conditions that apply to the use of a civic event license plate.

~~(4) The fee for a civic event license plate, which must be reasonably related to the cost to the bureau for the manufacture and distribution of the plate.~~

SECTION 45. IC 9-18-25-17.5, AS AMENDED BY P.L.117-2006,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.5. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) Notwithstanding section 2 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a).

(B) An annual **special group recognition license plate** fee of twenty-five dollars ($25).

(f) The annual fee referred to in subsection (e)(2)(B) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars ($2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in

the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

SECTION 46. IC 9-18-25-17.7, AS AMENDED BY P.L.87-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.7. (a) Notwithstanding any other law, representatives of a special group that participates in the special group recognition plate program may request that the bureau collect an annual fee of twenty-five dollars ($25) **or less** on behalf of the special group.

(b) If a request is made under subsection (a), the bureau shall collect the following fees:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars ($25) **or less, as requested by the special group.**

(c) The annual fee referred to in subsection (b)(2) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (d).

(d) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(g) Before June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has

collected fees under this section.

(h) Subject to section 18 of this chapter, the bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

(i) If:

(1) representatives of a special group have collected an annual fee as set forth in subsection (a) from purchasers of the special group recognition license plates that was paid directly to the special group; and

(2) the representatives of the special group request the bureau to collect the annual fee on behalf of the special group as set forth in subsection (a);

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

(j) If:

(1) the bureau collects an annual fee as set forth in subsection (a) on behalf of a special group; and

(2) representatives of the special group request the bureau to cease collection of the annual fee as set forth in subsection (a) on behalf of the special group as the annual fee will be paid directly to the special group by purchasers of the special group recognition license plates;

representatives of the special group may request the bureau to change the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

SECTION 47. IC 9-18-29-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) A corporation (as defined in IC 6-5.5-1-6), a municipal corporation (as defined in IC 36-1-2-10), a partnership (as defined in IC 6-3-1-19), or a sole proprietor that registers a vehicle under this title is eligible to receive an environmental license plate under this chapter.

(b) A corporation, partnership, or sole proprietor must comply with section 3 of this chapter to receive an environmental license plate.

(c) This subsection applies only to a license plate issued under IC 9-18-3-5(b). If an officer or employee of a municipal corporation requests an environmental license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying the annual fee for the environmental license plate under section 4(2) of this chapter, the annual supplemental fee under IC 9-29-5-38, and all annual registration fees under ~~IC 9-29-1-4, IC 9-29-3-17, IC 9-29-5-1, and IC 9-29-5-3.~~ **IC 9-29.**

(d) Notwithstanding subsection (c):

(1) an environmental license plate that is issued under this section; and

(2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the corporation, municipal corporation, partnership, or sole proprietor that registered the vehicle for which the plate was issued, and the corporation, municipal corporation, partnership, or sole proprietor is entitled to retain possession of the plate.

SECTION 48. IC 9-18-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) This section applies only to a license plate issued under IC 9-18-3-5(b).

(b) A municipal corporation (as defined in IC 36-1-2-10) that registers a vehicle under this title is eligible to receive a kids first trust license plate under this chapter.

(c) If an officer or employee of a municipal corporation requests a kids first trust license plate for a vehicle that is assigned to or customarily used by the officer or employee, the officer or employee is responsible for paying the annual fee for the kids first trust license plate under section 4(a)(2) of this chapter, the annual supplemental fee under IC 9-29-5-38, and all **applicable** annual registration fees under ~~IC 9-29-1-4, IC 9-29-3-17, IC 9-29-5-1, and IC 9-29-5-3.~~ **IC 9-29.**

(d) Notwithstanding subsection (c):

(1) a kids first trust license plate that is issued under this section; and

(2) all fees and taxes that have been paid to have the plate issued;

are considered issued to and paid by the municipal corporation that registered the vehicle for which the license plate was issued, and the

municipal corporation is entitled to retain possession of the license plate.

SECTION 49. IC 9-19-10-1, AS AMENDED BY P.L.214-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11.

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in ~~IC 9-29-5-13(b)(2).~~ **IC 9-21-21-1.**

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger

is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 50. IC 9-21-21-3, AS AMENDED BY HEA 1219-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. Except as provided in section 4.3 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

(1) in the conduct of a commercial enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the ~~license~~ **applicable registration** fee under ~~IC 9-29-5-13~~ **IC 9-29-5** has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(b) due for the remainder of the registration year for the license fee.

SECTION 51. IC 9-21-21-4.3, AS AMENDED BY HEA 1219-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4.3. (a) Notwithstanding section 3 of this chapter, subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of seasonal, perishable, fruit or vegetables to the first point of processing for not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the **applicable** license fee due under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;** and

(2) eight and one-half percent (8.5%) of the **applicable** license fee paid under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;**

for the farm truck, farm trailer, or farm semitrailer and tractor.

(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by

IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the **applicable** license fee due under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;** and

(2) seventeen percent (17%) of the **applicable** license fee paid under ~~IC 9-29-5-13(b);~~ **IC 9-29-5;**

for the farm truck, farm trailer, or farm semitrailer and tractor.

(c) The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this section.

SECTION 52. IC 9-24-11-5, AS AMENDED BY P.L.85-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Except as provided in subsection (h), a permit or license issued under this chapter must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsections (b), ~~and~~ (c), **and (j),** a digital **color** photograph of the permittee or licensee.

(b) A motorcycle learner's permit issued under IC 9-24-8 does not

require a digital photograph.

(c) The bureau may provide for the omission of a photograph or computerized image from any license or permit if there is good cause for the omission. However, a license issued without a digital photograph must include the language described in subsection (f).

(d) The information contained on the permit or license as required by subsection (a)(11) or (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) Any license or permit issued by the state that does not require a digital photograph must include a statement that indicates that the license or permit may not be accepted by any federal agency for federal identification or any other federal purpose.

(g) A license or permit issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary license or permit. A

temporary license or permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(h) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(j) Subsection (a)(13) does not apply to temporary paper credentials or paper extension credentials issued by the bureau.

SECTION 53. IC 9-24-18-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) The commissioner may enter into a contract or an agreement authorizing a person to create and use a reproduction of a driver's license issued under this article.

(b) A person may not create or use a reproduction of a driver's license issued under this article unless the creation or use of the reproduction is expressly authorized in writing by the commissioner. The commissioner may impose under IC 4-21.5 a civil penalty upon a person who violates this subsection. The amount of a civil penalty imposed under this subsection:

(1) shall be determined by the commissioner; and

(2) may not exceed ten thousand dollars ($10,000).

(c) Money paid to the bureau as:

(1) compensation to the state under a contract or an agreement entered into under subsection (a); or

(2) a civil penalty imposed under subsection (b);

shall be collected and deposited ~~according to IC 9-29-1-1.~~ **in the motor vehicle highway account.**

SECTION 54. IC 9-29-1-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. Except as provided in sections 2 through 4 of this chapter, all money collected by the bureau under IC 9-14-5, IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-11, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7,~~

~~IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, and IC 9-24-14 shall be deposited daily with the treasurer of state and credited to the motor vehicle highway account established under IC 8-14-1.~~

SECTION 55. IC 9-29-1-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.~~

~~(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:~~

~~IC 9-29-4-3~~
~~IC 9-29-5 (excluding fees under IC 9-29-5-44)~~
~~IC 9-29-9-1~~
~~IC 9-29-9-2~~
~~IC 9-29-9-3~~
~~IC 9-29-9-4~~
~~IC 9-29-9-5~~
~~IC 9-29-9-7~~
~~IC 9-29-9-8~~
~~IC 9-29-9-9~~
~~IC 9-29-9-11~~
~~IC 9-29-9-13~~
~~IC 9-29-9-14~~
~~IC 9-29-15-1~~
~~IC 9-29-15-2~~
~~IC 9-29-15-3~~
~~IC 9-29-15-4~~
~~IC 9-29-17-1~~
~~IC 9-29-17-2~~

~~IC 9-29-17-3~~

~~IC 9-29-17-4.~~

~~The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.~~

~~(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.~~

~~(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section before July 1, 2007, with respect to the fee must be:~~

~~(1) collected by the bureau notwithstanding the elimination of the underlying fee;~~

~~(2) collected in addition to all other fees collected at the time of the underlying transaction; and~~

~~(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.~~

~~However, this subsection does not apply to a fee imposed under IC 9-29-5-14, IC 9-29-5-14.5, IC 9-29-5-15, or IC 9-29-5-39, which were repealed by legislation enacted in 2013.~~

SECTION 56. IC 9-29-1-4, AS AMENDED BY P.L.259-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. ~~(a) A public service fee of twenty-five cents ($0.25) is imposed. The public service fee shall be collected in addition to all registration fees collected under IC 9-18 (excluding fees under IC 9-18-2.5) and IC 9-32.~~

~~(b) Money collected under subsection (a) shall be deposited in~~ **(a)** The state police building account is established. **The account consists of amounts deposited in the account under this article. The state police department shall administer the account.**

(b) Money in the account:

(1) does not revert to the state general fund or the motor vehicle highway account under IC 8-14-1, except as provided under subsection (c); and

(2) shall be expended for the following:

(A) The construction, maintenance, leasing, and equipping of state police facilities.

(B) Other projects provided for by law.

(c) At the end of each state fiscal year, the auditor of state shall

transfer to the state general fund the balance in the state police building account that is in excess of appropriations made for the construction, maintenance, leasing, or equipping of state police facilities and other projects provided for by law.

(d) Transfers under subsection (c) shall be made until one million five hundred thousand dollars ($1,500,000) has been transferred to the state general fund.

SECTION 57. IC 9-29-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. **(a) The motor vehicle odometer fund is established. The fund consists of the following:**

(1) Amounts deposited in the fund under this article.

(2) Money deposited in the fund from any other source.

(b) All money in the motor vehicle odometer fund shall be allocated each July as follows:

(1) Forty percent (40%) is to be deposited in the motor vehicle highway account (IC 8-14-1).

(2) Thirty percent (30%) is to be appropriated to the bureau for use in enforcing odometer laws.

(3) Twenty percent (20%) is to be appropriated to the state police for use in enforcing odometer laws.

(4) Ten percent (10%) is to be appropriated to the attorney general for use in enforcing odometer laws.

SECTION 58. IC 9-29-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. If a person who holds a certificate of registration and a license plate under this title has:

(1) been charged by the bureau a fee higher than that required by law; and

(2) ~~has~~ paid the higher fee;

the person shall be refunded the amount of the overcharge ~~by a warrant issued by the auditor of state drawn on the treasurer of state~~ after the person presents a request for the refund of the overcharge on a form furnished by the bureau. **The bureau shall determine the manner of a refund under this section in consultation with the auditor of state.** The amount of the refund shall be charged to the motor vehicle highway account.

SECTION 59. IC 9-29-1-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2015]: **Sec. 10. The bureau may impose a service charge of one dollar and seventy cents ($1.70) for each excise tax collection made under IC 6-6-5, IC 6-6-5.1, or IC 6-6-5.5. The service charge shall be deposited in the commission fund.**

SECTION 60. IC 9-29-1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 11. Money distributed to or deposited in the highway, road and street fund under this article shall be allocated as follows:**

(1) Fifty-five percent (55%) to the state highway fund as provided in IC 8-14-2-3.

(2) Forty-five percent (45%) to the local road and street account as provided in IC 8-14-2-4.

SECTION 61. IC 9-29-1-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 12. With the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:**

(1) Increase or decrease any fee or charge imposed under this article.

(2) Impose a fee on any other license branch service for which a fee is not imposed under this article.

(3) Increase or decrease a fee imposed under subdivision (2).

(4) Designate the fund or account in which a:

(A) fee increase under subdivision (1) or (3); or

(B) new fee under subdivision (2);

shall be deposited.

SECTION 62. IC 9-29-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The fee to obtain:

(1) a certified copy of a record; or

(2) an electronic record;

of the bureau under IC 9-14-3-4 is four dollars ($4) for each document. This fee is in addition to the uniform copying fee established under IC 5-14-3-8. **The fee shall be deposited in the motor vehicle highway account.**

(b) The fee imposed by this section does not apply to a law enforcement agency and an agency of government.

(c) The bureau shall give precedence to requests from law

enforcement agencies and agencies of government for certified copies of records.

SECTION 63. IC 9-29-2-2, AS AMENDED BY P.L.198-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is ~~(1)~~ four dollars ($4) for each record requested, ~~in writing; and (2) a fee to be determined by the bureau not to exceed four dollars ($4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;~~ plus any service fee charged by the office of technology established by IC 4-13.1-2-1.

(b) **Except as provided in subsection (c),** the fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars ($4) for ~~a~~ **each** record requested, ~~either: (1) in writing; or (2) electronically through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology;~~ plus any service fee charged by the office of technology established by IC 4-13.1-2-1.

(c) The fee to obtain a driver's license history under IC 9-14-3 is eight dollars ($8) for each history requested, plus any service fee charged by the office of technology established by IC 4-13.1-2-1.

~~(c) The~~ **(d) A** fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

(e) A fee imposed by this section shall be deposited in the motor vehicle highway account.

SECTION 64. IC 9-29-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.5. The fee to obtain a driving record maintained under IC 9-14-3-7 is four dollars ($4). The fee shall be deposited in the motor vehicle highway account.**

SECTION 65. IC 9-29-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Fees Under IC 9-16).

SECTION 66. IC 9-29-4-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. The fees imposed under this chapter are in addition to a service fee imposed under IC 9-29-3.~~

SECTION 67. IC 9-29-4-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **(a)** The fee for a certificate of title is ~~five dollars ($5).~~ **fifteen dollars ($15). Except as provided in subsection (b), the fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the motor vehicle highway account.

(3) Three dollars ($3) to the highway, road and street fund.

(4) Five dollars ($5) to the crossroads 2000 fund.

(5) For amounts collected before July 1, 2019 as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(6) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

(b) This subsection applies to a dealer who titles a vehicle in the dealership's name for purposes of selling the vehicle or putting the vehicle in rental, leasing, or demonstrating service. The dealer shall pay the fee described in subsection (a). However, the fee shall be distributed as set forth in section 7 of this chapter.

SECTION 68. IC 9-29-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.5. The fee for a certificate of title issued under IC 9-17-6 for a manufactured home is fifteen dollars ($15). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the motor vehicle highway account.

(3) Three dollars ($3) to the highway road and street fund.

(4) Five dollars ($5) to the crossroads 2000 fund.

(5) For amounts collected before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(6) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

SECTION 69. IC 9-29-4-4, AS AMENDED BY P.L.83-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2015]: Sec. 4. (a) ~~The fee for a delinquent title is ten dollars ($10). Except as provided in subsections (b), (c), (d), and (e), the bureau shall collect this fee~~ **For purposes of this section, and except as provided in subsection (e), a title is considered delinquent** when a purchaser or transferee **of a vehicle** fails to apply for an original certificate of title or a transfer of title, by assignment, **for the vehicle** within thirty-one (31) days after the vehicle is purchased or otherwise acquired.

(b) The fee for a delinquent title is twenty-one dollars and fifty cents ($21.50). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the crossroads 2000 fund.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the highway, road and street fund.

(4) Five dollars ($5) to the motor vehicle highway account.

(5) For an application received before July 1, 2019, as follows:

(A) One dollar and fifty cents ($1.50) to the integrated public safety communications fund.

(B) Eleven dollars and twenty-five cents ($11.25) to the commission fund.

(6) For an application received after June 30, 2019, twelve dollars and seventy-five cents ($12.75) to the commission fund.

This fee is in addition to all other fees imposed for the issuance of a certificate of title.

~~(b)~~ **(c)** A dealer who titles a vehicle in the dealership's name for purposes of putting the vehicle in rental, leasing, or demonstrating service is not required to pay a delinquent title fee under this section. ~~but shall pay the following for each title:~~

~~(1) The title fee under section 3 of this chapter.~~

~~(2) A service charge under IC 9-29-3.~~

~~(c) A dealer who titles a vehicle in the dealership's name for the purpose of selling the vehicle shall pay the following:~~

~~(1) The title fee under section 3 of this chapter.~~

~~(2) A service charge under IC 9-29-3.~~

(d) IC 9-17-2-1.5 applies to the purchase or acquisition of an off-road vehicle that is less than five (5) model years old.

(e) An individual who acquires a vehicle by a conveyance subject

to IC 9-17-3-9 is not required to pay a delinquent title fee under this section unless the individual fails to apply for a certificate of title within sixty (60) days after the vehicle is acquired.

SECTION 70. IC 9-29-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fee for a duplicate certificate of title is ~~three dollars ($3).~~ **eight dollars ($8). The fee shall be distributed as follows:**

(1) One dollar ($1) to the motor vehicle highway account.

(2) One dollar ($1) to the highway, road and street fund.

(3) Six dollars ($6) to the commission fund.

SECTION 71. IC 9-29-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5.5. The fee for an affidavit of transfer to real estate furnished by the bureau under IC 9-17-6-15.1 is ~~ten dollars ($10).~~ **twenty dollars ($20). The fee shall be distributed as follows:**

(1) Ten dollars ($10) to the motor vehicle highway account.

(2) Ten dollars ($10) to the commission fund.

SECTION 72. IC 9-29-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. ~~(a) Except as provided in subsection (b), fees for titles collected or documents furnished under this chapter shall be paid into the state general fund for credit to the motor vehicle highway account.~~

~~(b)~~ Fees from dealers for titles collected under this chapter shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5.

SECTION 73. IC 9-29-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 8. (a) The bureau may impose an additional fee of twenty-five dollars ($25) if the bureau processes a motor vehicle title in a period of time that is substantially shorter than the normal processing period. The bureau shall deposit the fee in the commission fund.**

(b) A fee imposed under this section is in addition to any other fee imposed under this chapter.

SECTION 74. IC 9-29-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 9. (a) The fee for a sale certificate for a vehicle described in IC 9-22-6-2 is fifteen dollars ($15). The fee**

shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the motor vehicle highway account.

(3) Five dollars ($5) to the crossroads 2000 fund.

(4) For amounts collected before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(5) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

(b) A fee under this section is in addition to any other fee imposed under this chapter.

SECTION 75. IC 9-29-5-0.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 0.5. (a) This section applies after December 31, 2008.~~

~~(b) In addition to the fees to be collected for the registration of a vehicle as set forth in:~~

~~(1) IC 9-29-5-1; and~~

~~(2) IC 9-29-5-2;~~

~~the bureau shall collect an additional fee of thirty cents ($0.30) at the time of the registration. The fee collected under this subsection shall be deposited into the spinal cord and brain injury fund under IC 16-41-42.2-3.~~

~~(c) In addition to the fees to be collected for the registration of a truck greater than zero (0) pounds declared gross weight but equal to or less than ten thousand (10,000) pounds declared gross weight, as set forth in section 3 of this chapter, the bureau shall collect an additional fee of thirty cents ($0.30) at the time of the registration. The fee collected under this subsection shall be deposited into the spinal cord and brain injury fund under IC 16-41-42.2-3.~~

SECTION 76. IC 9-29-5-1, AS AMENDED BY P.L.97-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The ~~annual registration~~ fee ~~for~~ **to register** a passenger motor vehicle is ~~twelve dollars and thirty cents ($12.30), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.~~ **twenty-one dollars and thirty-five cents ($21.35).**

The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Thirty cents ($0.30) to the spinal cord and brain injury fund.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) Three dollars ($3) to the crossroads 2000 fund.

(5) For a passenger motor vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(6) For a passenger motor vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(7) Eleven dollars and five cents ($11.05) to the motor vehicle highway account.

SECTION 77. IC 9-29-5-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 1.2. The fee for a duplicate certificate of registration issued under IC 9-18 is six dollars and twenty-five cents ($6.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For amounts collected before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(4) For amounts collected after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

SECTION 78. IC 9-29-5-2, AS AMENDED BY HEA 1343-2014, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The fee ~~for the registration of~~ **to register** a motorcycle or motor driven cycle is ~~seventeen dollars and thirty cents ($17.30). The revenue from this fee shall be allocated as follows: (1)~~

~~Seven dollars ($7) to the motorcycle operator safety education fund established by IC 9-27-7-7. (2) An amount prescribed as a license branch service charge under IC 9-29-3. (3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter. (4) The balance to the state general fund for credit to the motor vehicle highway account.~~ **twenty-six dollars and thirty-five cents ($26.35). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Thirty cents ($0.30) to the spinal cord and brain injury fund.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) Three dollars ($3) to the crossroads 2000 fund.

(5) For a motorcycle or motor driven cycle registered before July 1, 2019, as follows:

(A) One dollar and fifty-five cents ($1.55) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(6) For a motorcycle or motor driven cycle registered after June 30, 2019, six dollars and fifty-five cents ($6.55) to the commission fund.

(7) Seven dollars ($7) to the motorcycle operator safety education fund.

(8) Eight dollars and seventy-five cents ($8.75) to the motor vehicle highway account.

SECTION 79. IC 9-29-5-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. (a) Except as otherwise provided in this chapter, the annual registration fee for:~~

~~(1) a truck subject to registration under IC 9-18; and~~

~~(2) a tractor not used with a semitrailer, a traction engine, or other similar vehicle used for hauling purposes;~~

~~is as follows:~~

~~Declared Gross Weight (Pounds)~~		~~Fee~~
~~Greater than~~	~~Equal to or less than~~	
~~0~~	~~7,000~~	~~$ 20~~
~~7,000~~	~~9,000~~	~~40~~

~~9,000~~	~~10,000~~	~~70~~
~~10,000~~	~~11,000~~	~~75~~
~~11,000~~	~~16,000~~	~~135~~
~~16,000~~	~~20,000~~	~~175~~
~~20,000~~	~~23,000~~	~~235~~
~~23,000~~	~~26,000~~	~~235~~
~~26,000~~	~~30,000~~	~~295~~
~~30,000~~	~~36,000~~	~~413~~
~~36,000~~	~~42,000~~	~~506~~
~~42,000~~	~~48,000~~	~~627~~
~~48,000~~	~~54,000~~	~~730~~
~~54,000~~	~~60,000~~	~~810~~
~~60,000~~	~~66,000~~	~~858~~
~~66,000~~		~~956~~

~~(b) In addition to the annual registration fee set forth in subsection (a), an additional registration fee of thirty cents ($0.30) shall be collected after December 31, 2008, for a truck greater than zero (0) pounds declared gross weight but equal to or less than ten thousand (10,000) pounds declared gross weight.~~

SECTION 80. IC 9-29-5-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.1. (a) The fee to register a truck weighing ten thousand (10,000) pounds or less is as follows:**

Declared Gross Weight (Pounds)

Greater than	Equal to or less than	Fee ($)
0	**7,000**	**30.35**
7,000	**9,000**	**50.35**
9,000	**10,000**	**80.35**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Thirty cents ($0.30) to the spinal cord and brain injury fund.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) Four dollars and thirty cents ($4.30) to the crossroads 2000 fund.

(5) For a truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(6) For a truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(7) For a truck with a declared gross weight equal to or less than seven thousand (7,000) pounds, three dollars and fifty cents ($3.50) to the highway, road and street fund.

(8) Any remaining portion of the applicable fee to the motor vehicle highway account.

SECTION 81. IC 9-29-5-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.2. (a) The fee to register a truck weighing more than ten thousand (10,000) pounds is as follows:**

Declared Gross Weight (Pounds)			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
10,000	**11,000**	**84.75**	**84.75**
11,000	**16,000**	**144.75**	**75.25**
16,000	**20,000**	**184.75**	**95.25**
20,000	**23,000**	**244.75**	**125.25**
23,000	**26,000**	**244.75**	**125.25**
26,000	**30,000**	**304.75**	**155.25**
30,000	**36,000**	**422.75**	**214.25**
36,000	**42,000**	**515.75**	**260.75**
42,000	**48,000**	**636.75**	**321.75**
48,000	**54,000**	**739.75**	**372.75**
54,000	**60,000**	**819.75**	**412.75**
60,000	**66,000**	**867.75**	**436.75**
66,000		**965.75**	**485.75**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For a truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) To the highway, road and street fund as follows:

Declared Gross Weight (Pounds)			
Greater than	**Equal to or less than**	**Distribution if registered before August 1**	**Distribution if registered after July 31**
11,000	**16,000**	**19.50**	**9.75**
16,000	**20,000**	**49.50**	**24.75**
20,000	**23,000**	**0**	**0**
23,000	**26,000**	**44.50**	**22.25**
26,000	**30,000**	**64.50**	**32.25**
30,000	**36,000**	**24.50**	**12.25**
36,000	**42,000**	**74.50**	**37.25**
42,000	**48,000**	**124.50**	**62.25**
48,000	**54,000**	**174.50**	**87.25**
54,000	**60,000**	**199.50**	**99.75**
60,000	**66,000**	**224.50**	**112.25**
66,000		**249.50**	**124.75**

A distribution to the highway, road and street fund under this subdivision shall be credited to the state highway fund as provided in IC 8-14-2-3 and to the local road and street account as provided in IC 8-14-2-4.

(7) Any remaining portion of the applicable fee to the motor vehicle highway account.

SECTION 82. IC 9-29-5-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.3. The fee for a tractor not for use with a semitrailer, a traction engine, or other similar vehicle used for hauling purposes is the fee under section 3.1 or 3.2 of this chapter for a truck with the same declared gross weight.**

SECTION 83. IC 9-29-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. ~~Except as otherwise provided in this chapter, the annual registration~~ **(a) The** fee ~~for~~ **to register** a trailer used with a motor vehicle is as follows: ~~based~~

~~on the declared gross weight of the trailer:~~

~~Declared Gross Weight (Pounds)~~		
~~Greater than~~	~~Equal to or less than~~	~~Fee~~
~~0~~	~~3,000~~	~~$ 7~~
~~3,000~~	~~5,000~~	~~16~~
~~5,000~~	~~7,000~~	~~22~~
~~7,000~~	~~9,000~~	~~27~~
~~9,000~~	~~12,000~~	~~70~~
~~12,000~~	~~16,000~~	~~110~~
~~16,000~~	~~22,000~~	~~170~~
~~22,000~~		~~230~~

Declared Gross Weight (Pounds)			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**3,000**	**16.75**	**11.25**
3,000	**5,000**	**25.75**	**15.75**
5,000	**7,000**	**31.75**	**18.75**
7,000	**9,000**	**36.75**	**21.25**
9,000	**12,000**	**79.75**	**42.75**
12,000	**16,000**	**119.75**	**62.75**
16,000	**22,000**	**179.75**	**92.75**
22,000		**239.75**	**122.75**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a trailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a trailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a trailer registered before August 1 of a year, four

dollars ($4).

(B) For a trailer registered after July 31 of a year, two dollars ($2).

(6) To the highway, road and street fund as follows:

Declared Gross Weight Distribution

Greater than	Equal to or less than	Distribution if registered before August 1	Distribution if registered after July 31
0	3,000	$1.50	$1.50
3,000	5,000	3.50	1.75
5,000	7,000	4.50	2.25
7,000	9,000	0	0
9,000	12,000	18.50	9.25
12,000	16,000	24.50	12.25
16,000	22,000	44.50	22.25
22,000		59.50	19.75

(7) Any remaining amount to the motor vehicle highway account.

SECTION 84. IC 9-29-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. ~~Except as otherwise provided in this chapter, the annual registration~~ **(a) The** fee ~~for~~ **to register** a tractor used with a semitrailer is as follows: ~~based on the declared gross weight of the tractor semitrailer combination:~~

~~Declared Gross Weight (Pounds)~~		~~Fee~~
~~Greater than~~	~~Equal to or less than~~	
~~0~~	~~20,000~~	~~$ 170~~
~~20,000~~	~~26,000~~	~~310~~
~~26,000~~	~~30,000~~	~~390~~
~~30,000~~	~~36,000~~	~~495~~
~~36,000~~	~~42,000~~	~~545~~
~~42,000~~	~~48,000~~	~~660~~
~~48,000~~	~~54,000~~	~~715~~
~~54,000~~	~~60,000~~	~~800~~
~~60,000~~	~~66,000~~	~~865~~
~~66,000~~	~~72,000~~	~~975~~
~~72,000~~	~~74,000~~	~~1,050~~
~~74,000~~	~~76,000~~	~~1,165~~
~~76,000~~	~~78,000~~	~~1,240~~

~~78,000~~. . . . . ~~1,350~~

Declared Gross Weight (Pounds)			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**20,000**	**179.75**	**92.75**
20,000	**26,000**	**319.75**	**162.75**
26,000	**30,000**	**399.75**	**202.75**
30,000	**36,000**	**504.75**	**255.25**
36,000	**42,000**	**554.75**	**280.25**
42,000	**48,000**	**669.75**	**337.75**
48,000	**54,000**	**724.75**	**365.25**
54,000	**60,000**	**809.75**	**407.75**
60,000	**66,000**	**874.75**	**440.25**
66,000	**72,000**	**984.75**	**495.25**
72,000	**74,000**	**1,059.75**	**532.75**
74,000	**76,000**	**1,174.75**	**590.25**
76,000	**78,000**	**1,249.75**	**627.75**
78,000		**1,359.75**	**682.75**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a tractor registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a tractor registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a tractor registered before August 1 of a year, four dollars ($4).

(B) For a tractor registered after July 31 of a year, two dollars ($2).

(6) To the highway, road and street fund as follows:

Declared Gross Weight			
Greater than	**Equal to or less than**	**Distribution**	**Distribution**

		if registered before August 1	if registered after July 31
0	**20,000**	**$24.50**	**$17.25**
20,000	**26,000**	**44.50**	**22.25**
26,000	**30,000**	**64.50**	**32.25**
30,000	**36,000**	**84.50**	**42.25**
36,000	**42,000**	**94.50**	**47.25**
42,000	**48,000**	**122.50**	**61.25**
48,000	**54,000**	**102.00**	**51.00**
54,000	**60,000**	**109.50**	**54.75**
60,000	**66,000**	**134.50**	**67.25**
66,000	**72,000**	**184.50**	**95.25**

(7) Any remaining amount to the motor vehicle highway account.

SECTION 85. IC 9-29-5-6, AS AMENDED BY P.L.63-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. **(a)** The ~~registration~~ fee ~~for each~~ **to register a** semitrailer to be used with a tractor ~~licensed under this section~~ **for a calendar year** is as follows:

~~(1) Thirty dollars ($30) for a one (1) year registration.~~

~~(2) Sixty dollars ($60) for a five (5) year registration. However, the five (5) year registration fee shall be reduced by twelve dollars ($12) for each full year after the initial year of the five (5) year period provided in IC 9-18. However, the reduced fee may not be less than the registration fee for a one (1) year registration.~~

~~(3) Sixty-five dollars ($65) for a permanent registration.~~

(1) For a semitrailer registered before August 1 of a year, forty-one dollars and seventy-five cents ($41.75).

(2) For a semitrailer registered after July 31 of a year, twenty-three dollars and seventy-five cents ($23.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the

integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a semitrailer registered before August 1 of a year, six dollars ($6).

(B) For a semitrailer registered after July 31 of a year, three dollars ($3).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 86. IC 9-29-5-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 6.1. (a) The fee to register a semitrailer on a five (5) year cycle is as follows:**

Year of cycle	Amount
1	$77.75
2	63.75
3	49.75
4	41.75
5	41.75

(b) A fee under subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a semitrailer registered in year one (1), two (2), or three (3) of a cycle, five dollars ($5).

(B) For a semitrailer registered in year four (4) of a cycle, ten dollars ($10).

(C) For a semitrailer registered in year five (5) of a cycle, twelve dollars ($12).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 87. IC 9-29-5-6.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 6.2. (a) The fee for a permanent registration of a semitrailer is eighty-two dollars and seventy-five cents ($82.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Twelve dollars ($12) to the crossroads 2000 fund.

(6) Sixty-three dollars and seventy-five cents ($63.75) to the motor vehicle highway account.

(b) The fee to renew a permanent registration of a semitrailer is eight dollars and seventy-five cents ($8.75). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) Five dollars ($5) to the commission fund.

SECTION 88. IC 9-29-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) ~~Except as provided in subsection (b), the annual registration~~ **The** fee ~~for each~~ **to register an** intercity bus ~~or intracity bus is as follows:~~

~~Declared Gross Weight (Pounds)~~		~~Intercity Fee~~	~~Intracity Fee~~
~~Greater than~~	~~Equal to or less than~~		
~~0~~	~~11,000~~	~~$ 50~~	~~$ 10~~

~~11,000~~	~~16,000~~	~~100~~	~~20~~
~~16,000~~	~~20,000~~	~~125~~	~~25~~
~~20,000~~	~~26,000~~	~~150~~	~~30~~
~~26,000~~	~~30,000~~	~~220~~	~~44~~
~~30,000~~	~~36,000~~	~~294~~	~~59~~
~~36,000~~	~~42,000~~	~~382~~	~~72~~
~~42,000~~	~~48,000~~	~~445~~	~~89~~
~~48,000~~	~~54,000~~	~~540~~	~~108~~
~~54,000~~	~~60,000~~	~~600~~	~~120~~
~~60,000~~		~~660~~	~~132~~

~~(b) An owner or a lessee of a fleet of intercity buses may register the fleet under and pay the fees provided in IC 9-18.~~ **is as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**11,000**	**59.75**	**32.75**
11,000	**16,000**	**109.75**	**57.75**
16,000	**20,000**	**134.75**	**70.25**
20,000	**26,000**	**159.75**	**82.75**
26,000	**30,000**	**229.75**	**117.75**
30,000	**36,000**	**303.75**	**154.75**
36,000	**42,000**	**391.75**	**198.75**
42,000	**48,000**	**454.75**	**230.25**
48,000	**54,000**	**549.75**	**277.75**
54,000	**60,000**	**609.75**	**307.75**
60,000		**669.75**	**337.75**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For an intercity bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For an intercity bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For an intercity bus registered before August 1 of a year, four dollars ($4).

(B) For an intercity bus registered after July 31 of a year, two dollars ($2).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 89. IC 9-29-5-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 7.5. (a) The fee to register an intracity bus is as follows:**

Declared Gross Weight (Pounds)		
Greater than	**Equal to or less than**	**Fee ($)**
0	**16,000**	**18.75**
16,000	**36,000**	**28.75**
36,000		**67.76**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For an intracity bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For an intracity bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Four dollars ($4) to the crossroads 2000 fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 90. IC 9-29-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)**The ~~annual registration~~ fee ~~for~~ **to register** a school bus is ~~twenty dollars ($20).~~ **as follows:**

(1) For a school bus registered before August 1 of a year,

twenty-nine dollars and seventy-five cents ($29.75).

(2) For a school bus registered after July 31 of a year, seventeen dollars and seventy-five cents ($17.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For a school bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the state police building account.

(B) Five dollars and seventy-five cents ($5.75) to the commission fund.

(5) For a school bus registered after June 30, 2019, seven dollars ($7) to the commission fund.

(6) Six dollars ($6) to the highway, road and street fund.

(7) Any remaining amount to the motor vehicle highway account.

SECTION 91. IC 9-29-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) As used in this section, "church bus" means a bus that is:

(1) owned and operated by a religious or nonprofit youth organization; and

(2) used to transport persons to religious services or used for the benefit of the members of the religious or nonprofit youth organization.

(b) The ~~annual registration~~ fee ~~for~~ **to register** a church bus is ~~twenty dollars ($20).~~ **as follows:**

(1) For a church bus registered before August 1 of a year, twenty-nine dollars and seventy-five cents ($29.75).

(2) For a church bus registered after July 31 of a year, seventeen dollars and seventy-five cents ($17.75).

(c) A fee described in subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a church bus registered before August 1 of a year, four dollars ($4).

(B) For a church bus registered after July 31 of a year, two dollars ($2).

(4) For a church bus registered before July 1, 2019:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a church bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 92. IC 9-29-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) As used in this section, "other bus" means a bus that is not a church bus, an intercity bus, an intracity bus, or a school bus.

(b) The ~~annual registration~~ fee ~~for~~ **to register** any other bus is ~~thirty dollars ($30).~~ **as follows:**

(1) For an other bus registered before August 1 of a year, thirty-nine dollars and seventy-five cents ($39.75).

(2) For an other bus registered after July 31 of a year, twenty-two dollars and seventy-five cents ($22.75).

(c) A fee described in subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For a bus registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a bus registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway

account.

SECTION 93. IC 9-29-5-11, AS AMENDED BY P.L.125-2012, SECTION 314, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The registration fee for a piece of special machinery is ~~five dollars ($5).~~ **sixteen dollars and seventy-five cents ($16.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a piece of special machinery registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Three dollars and seventy-five cents ($3.75) to the commission fund.

(4) For a piece of special machinery registered after June 30, 2019, five dollars ($5) to the commission fund.

(5) Five dollars ($5) to the motor vehicle highway account.

(6) Six dollars ($6) to the crossroads 2000 fund.

The ~~motor vehicle~~ **piece of special machinery** is exempt from other fees provided under IC 9-18 or this article.

~~(c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar ($5) registration fee because the license is granted at a time that the license period is less than a year.~~

SECTION 94. IC 9-29-5-13, AS AMENDED BY HEA 1219-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The ~~registration~~ fee ~~for~~ **to register** a farm truck ~~farm trailer, or farm semitrailer and tractor: (1) having a declared gross weight of at least eleven thousand (11,000) pounds; and (2)~~ used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation is ~~fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.~~ **as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered before August 1**	**Fee ($) if registered after July 31**
0	**11,000**	**45.25**	**45.25**
11,000	**16,000**	**75.25**	**40.50**
16,000	**20,000**	**95.25**	**50.50**
20,000	**23,000**	**125.25**	**65.50**
23,000	**26,000**	**125.25**	**65.50**
26,000	**30,000**	**155.25**	**80.50**
30,000	**36,000**	**214.25**	**110.00**
36,000	**42,000**	**260.75**	**133.25**
42,000	**48,000**	**321.25**	**163.50**
48,000	**54,000**	**372.75**	**189.25**
54,000	**60,000**	**412.75**	**209.25**
60,000	**66,000**	**436.75**	**221.25**
66,000		**485.75**	**245.75**

(c) A fee described in subsection (b) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a farm truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Two dollars ($2) to the crossroads 2000 fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 95. IC 9-29-5-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13.1. (a) The fee to register a farm trailer is as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered**	**Fee ($) if registered**

		before August 1	after July 31
0	**12,000**	**42.75**	**24.25**
12,000	**16,000**	**62.75**	**34.25**
16,000	**22,000**	**92.75**	**49.25**
22,000		**122.75**	**64.25**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a farm trailer registered before August 1 of a year, two dollars ($2).

(B) For a farm trailer registered after July 31 of a year, one dollar ($1).

(4) For a farm trailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a farm trailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 96. IC 9-29-5-13.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13.2. (a) The fee to register a farm semitrailer for a calendar year is as follows:**

(1) For a farm semitrailer registered before August 1 of a year, twenty-three dollars and seventy-five cents ($23.75).

(2) For a farm semitrailer registered after July 31 of a year, fourteen dollars and seventy-five cents ($14.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a farm semitrailer registered before July 1 of a year, three dollars ($3).

(B) For a farm semitrailer registered after June 30 of a year, one dollar and fifty cents ($1.50).

(4) For a farm semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a farm semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

(c) The fee to register a farm semitrailer on a five (5) year cycle is as follows:

Year of cycle	Amount
1	$41.75
2	34.75
3	27.75
4	23.75
5	23.75

(d) A fee described in subsection (c) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a farm semitrailer registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a farm semitrailer registered in year one (1), year two (2), year three (3), or year four (4) of a cycle, five dollars ($5).

(B) For a farm semitrailer registered in year five (5) of a cycle, six dollars ($6).

(6) Any remaining amount to the motor vehicle highway account.

(e) The fee for a permanent registration of a farm semitrailer is forty-four dollars and twenty-five cents ($44.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm semitrailer registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars ($4) to the commission fund.

(4) For a farm semitrailer registered after June 30, 2019, five dollars and twenty-five cents ($5.25) to the commission fund.

(5) Six dollars ($6) to the crossroads 2000 fund.

(6) Thirty-two dollars and twenty-five cents ($32.25) to the motor vehicle highway account.

(f) The fee to renew a permanent registration of a farm semitrailer is eight dollars and seventy-five cents ($8.75). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) Five dollars ($5) to the commission fund.

SECTION 97. IC 9-29-5-13.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 13.4. (a) The fee to register a farm semitractor is as follows:**

Declared Gross Weight			
Greater than	**Equal to or less than**	**Fee ($) if registered after June 30**	**Fee ($) if registered before July 1**
0	**20,000**	**92.75**	**49.25**

20,000	**26,000**	**162.75**	**84.25**
26,000	**30,000**	**202.75**	**104.25**
30,000	**36,000**	**255.25**	**130.50**
36,000	**42,000**	**280.25**	**143.00**
42,000	**48,000**	**337.75**	**171.75**
48,000	**54,000**	**365.25**	**185.50**
54,000	**60,000**	**407.75**	**206.75**
60,000	**66,000**	**440.25**	**223.00**
66,000	**72,000**	**495.25**	**250.50**
72,000	**74,000**	**532.75**	**269.25**
74,000	**76,000**	**590.25**	**298.00**
76,000	**78,000**	**627.75**	**316.75**
78,000		**682.75**	**344.25**

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a farm semitractor registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a farm semitractor registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) To the crossroads 2000 fund as follows:

(A) For a farm semitractor registered before July 1 of a year, two dollars ($2).

(B) For a farm semitractor registered after June 30 of a year, one dollar ($1).

(6) Any remaining amount to the motor vehicle highway account.

SECTION 98. IC 9-29-5-13.5, AS AMENDED BY P.L.125-2012, SECTION 317, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a registration fee provided in section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter has been paid.

(b) Except as provided in subsections (d) and (e), if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the registration fee under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter; reduced by

(2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registration year for which the registration fee has been paid.

The credit may not exceed ninety percent (90%) of the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter.

(d) Notwithstanding subsections (b) and (e) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4.3(a). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any registration fee due under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter; and

(2) eight and one-half percent (8.5%) of the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter.

(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4.3(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any registration fee due under section ~~13(b)~~ **13, 13.1, 13.2, or**

13.4 of this chapter; and

(2) seventeen percent (17%) of the registration fee paid under section ~~13(b)~~ **13, 13.1, 13.2, or 13.4** of this chapter.

SECTION 99. IC 9-29-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. **(a) The fee for one (1) set of license plates for each transport operator is one hundred thirty-nine dollars and twenty-five cents ($139.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Five dollars ($5) to the crossroads 2000 fund.

(3) Nine dollars ($9) to the commission fund.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

~~(a)~~ **(b)** The fee for the first two (2) sets of license plates for each transport operator is ~~one hundred twenty-five dollars ($125).~~ **one hundred fifty-eight dollars and twenty-five cents ($158.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifteen dollars ($15) to the crossroads 2000 fund.

(3) Eighteen dollars ($18) to the commission fund.

(4) Thirty dollars ($30) to the highway, road and street fund.

(5) Ninety-five dollars ($95) to the motor vehicle highway account.

~~(b)~~ **(c)** The fee for each additional set of license plates for a transport operator is ~~fifteen dollars ($15).~~ **thirty-four dollars and twenty-five cents ($34.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Nine dollars ($9) to the commission fund.

(3) Ten dollars ($10) to the crossroads 2000 fund.

(4) Fifteen dollars ($15) to the motor vehicle highway account.

SECTION 100. IC 9-29-5-17, AS AMENDED BY P.L.262-2013, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17. The fee for each duplicate or replacement license plate **or sticker** is ~~three dollars ($3).~~ **ten dollars**

and twenty-five cents ($10.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar and seventy-five cents ($1.75) to the motor vehicle highway account.

(4) Three dollars ($3) to the crossroads 2000 fund.

(5) For a license plate or sticker issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Three dollars and fifty cents ($3.50) to the commission fund.

(6) For a license plate or sticker issued after June 30, 2019, four dollars and seventy-five cents ($4.75) to the commission fund.

SECTION 101. IC 9-29-5-17.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 17.1. (a) Except as provided in subsection (b), the fee for a duplicate, an amended, or a replacement certificate of registration is six dollars and twenty-five cents ($6.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a certificate issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(4) For a certificate issued after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

(b) The bureau may not impose or collect a fee for a duplicate, an amended, or a replacement certificate of registration that is a result of an error on the part of the bureau.

SECTION 102. IC 9-29-5-18, AS AMENDED BY P.L.125-2012,

SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. The fee ~~for~~ **to register** a recreational vehicle ~~which does not include truck campers (as defined in IC 6-6-5.1-8), is twenty dollars ($20).~~ **is twenty-nine dollars and seventy-five cents ($29.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a recreational vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(4) For a recreational vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(5) Four dollars ($4) to the crossroads 2000 fund.

(6) Five dollars and fifty cents ($5.50) to the highway, road and street fund.

(7) Thirteen dollars and twenty-five cents ($13.25) to the motor vehicle highway account.

SECTION 103. IC 9-29-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. **(a)** The fee for a temporary permit **issued under IC 9-18-7-4 that is valid for not more than ninety-six (96) hours** is ~~two dollars ($2).~~ **eighteen dollars and seventy-five cents ($18.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) Two dollars and fifty cents ($2.50) to the state motor vehicle technology fund.

(4) For a temporary permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a temporary permit issued after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Eight dollars and seventy-five cents ($8.75) to the motor vehicle highway account.

(b) The fee for a temporary permit issued under IC 9-18-7-1 that is valid for a period of thirty (30) days is eighteen dollars and seventy-five cents ($18.75). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) Two dollars and fifty cents ($2.50) to the state motor vehicle technology fund.

(4) For a temporary permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a temporary permit issued after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Eight dollars and seventy-five cents ($8.75) to the motor vehicle highway account.

SECTION 104. IC 9-29-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 22. The fee for a special serial number is ~~two dollars ($2).~~ **thirteen dollars ($13). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the highway, road and street fund.

(3) One dollar ($1) to the motor vehicle highway account.

(4) One dollar and fifty cents ($1.50) to the integrated public safety communications fund.

(5) Four dollars ($4) to the crossroads 2000 fund.

(6) Five dollars ($5) to the commission fund.

SECTION 105. IC 9-29-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23. (a) The fee to transfer a vehicle registration and register another vehicle of the same class under ~~IC 9-18-6 is three dollars ($3).~~ **IC 9-18-6-4(b) is nine dollars and seventy-five cents ($9.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the highway, road and street fund.

(3) One dollar ($1) to the motor vehicle highway account.

(4) Two dollars ($2) to the crossroads 2000 fund.

(5) Five dollars and fifty cents ($5.50) to the commission fund.

(b) The fee to transfer a vehicle registration and register another vehicle in a ~~higher~~ **different** fee class ~~is described in~~ **under** IC 9-18-6-4(c) **is sixteen dollars and twenty-five cents ($16.25). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) One dollar ($1) to the highway, road and street fund.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) Five dollars and fifty cents ($5.50) to the commission fund.

(5) Any remaining amount to the motor vehicle highway account.

(c) The fee to display a license plate described in IC 9-18-6-4(f) is ten dollars and twenty-five cents ($10.25). The fee shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar and seventy-five cents ($1.75) to the motor vehicle highway account.

(4) Two dollars ($2) to the crossroads 2000 fund.

(5) Five dollars and seventy-five cents ($5.75) to the commission fund.

SECTION 106. IC 9-29-5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 24. The fee for a nonresident transport vehicle decal under IC 9-18 is ~~twenty dollars ($20).~~ **twenty-three dollars and seventy-five cents ($23.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) One dollar ($1) to the motor vehicle highway account.

(4) Two dollars ($2) to the crossroads 2000 fund.

(5) Twenty dollars ($20) to the commission fund.

SECTION 107. IC 9-29-5-27 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 27. The fee for a license plate, sticker, or device issued for each proportionally registered bus is one dollar ($1).~~

SECTION 108. IC 9-29-5-28, AS AMENDED BY P.L.1-2010, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 28. ~~Except as provided in IC 9-18-12-2.5(c) and section 32.5 of this chapter,~~ **(a)** The registration fee for an antique motor vehicle under IC 9-18-12 is ~~twelve dollars ($12).~~ **twenty dollars and seventy-five cents ($20.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) For an antique motor vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For an antique motor vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

(b) The fee imposed under subsection (a) is in addition to the fee to register and display an authentic license plate from the model year of the antique motor vehicle under section 32.5 of this chapter.

SECTION 109. IC 9-29-5-28.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 28.1. The fee to register an antique motorcycle is twenty dollars and seventy-five cents ($20.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology

fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) For an antique motorcycle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For an antique motorcycle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 110. IC 9-29-5-28.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 28.2. The fee to register an antique truck is twenty-one dollars and seventy-five cents ($21.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Four dollars ($4) to the crossroads 2000 fund.

(4) For an antique truck registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For an antique truck registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 111. IC 9-29-5-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 30. (a) The ~~registration~~ fee ~~for~~ **to register** a **Class A** recovery vehicle under IC 9-18-13 is as follows:

(1) ~~Class A recovery vehicle, five hundred dollars ($500).~~ **For a Class A recovery vehicle registered before August 1 of a year, five hundred nine dollars and seventy-five cents ($509.75).**

(2) ~~Class B recovery vehicle, seventy-five dollars ($75).~~ **For a Class A recovery vehicle registered after July 31 of a year, two hundred fifty-seven dollars and seventy-five cents ($257.75).**

(b) ~~A vehicle registered under IC 9-18-13 is not subject to any other registration fee under IC 9-18. However, a vehicle registered under IC 9-18-13 is subject to a tax or service charge imposed on a vehicle registered under this title.~~ **A fee described in subsection (a) shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a Class A recovery vehicle registered before August 1 of a year, four dollars ($4).

(B) For a Class A recovery vehicle registered after July 31 of a year, two dollars ($2).

(4) For a Class A recovery vehicle registered before July 1, 2019:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a Class A recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 112. IC 9-29-5-30.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 30.1. (a) The fee to register a Class B recovery vehicle under IC 9-18-13 is as follows:**

(1) For a Class B recovery vehicle registered before August 1 of a year, eighty-three dollars and seventy-five cents ($83.75).

(2) For a Class B recovery vehicle registered after July 31 of a year, forty-four dollars and seventy-five cents ($44.75).

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) To the crossroads 2000 fund as follows:

(A) For a Class B recovery vehicle registered before August 1 of a year, three dollars ($3).

(B) For a Class B recovery vehicle registered after July 31 of a year, one dollar and fifty cents ($1.50).

(4) For a Class B recovery vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars ($5) to the commission fund.

(5) For a Class B recovery vehicle registered after June 30, 2019, six dollars and twenty-five cents ($6.25) to the commission fund.

(6) Any remaining amount to the motor vehicle highway account.

SECTION 113. IC 9-29-5-32.5, AS AMENDED BY P.L.79-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 32.5. **(a)** The fee for a personalized license plate under IC 9-18-15 ~~or for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5~~ is ~~as follows:~~

~~(1) The applicable excise tax imposed under IC 6-6-5.~~

~~(2) The regular vehicle registration fee imposed under this chapter.~~

~~(3) A state fee of seven dollars ($7) for the motor vehicle highway account established under IC 8-14-1.~~

~~(4) A service charge of thirty dollars ($30) for the state license branch fund established by IC 9-29-14-1.~~ **forty-five dollars ($45). The fee shall be distributed as follows:**

(1) Four dollars ($4) to the crossroads 2000 fund.

(2) Seven dollars ($7) to the motor vehicle highway account.

(3) Thirty-four dollars ($34) to the commission fund.

(b) The fee for the registration and display of an authentic license plate for the model year of an antique motor vehicle under

IC 9-18-12-2.5 is thirty-seven dollars ($37). The fee shall be distributed as follows:

(1) Seven dollars ($7) to the motor vehicle highway account.

(2) Thirty dollars ($30) to the commission fund.

SECTION 114. IC 9-29-5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 33. The fee ~~for the registration of~~ **to register** a vehicle **owned by an eligible person** under IC 9-18-18 is ~~equal to the fees assessed~~ **the applicable fee** for a vehicle of the same class under this chapter. **There is no additional fee for a license plate issued under IC 9-18-18.**

SECTION 115. IC 9-29-5-34.5, AS AMENDED BY P.L.87-2010, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 34.5. A vehicle registered under IC 9-18-24.5 is subject to an annual registration fee and any other fee or tax required of a person registering a vehicle under this title. **There is no additional fee for a license plate issued under IC 9-18-24.5.**

SECTION 116. IC 9-29-5-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 36. The fee to register a vehicle under IC 9-18-23 is as follows:

(1) The applicable excise tax imposed under IC 6-6-5.

(2) The regular vehicle registration fee imposed under this chapter.

(3) ~~Two dollars ($2).~~ **Eight dollars ($8), distributed as follows:**

(A) Two dollars ($2) to the motor vehicle highway account.

(B) Two dollars ($2) to the crossroads 2000 fund.

(C) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(ii) Two dollars and seventy-five cents ($2.75) to the commission fund.

(D) For a vehicle registered after June 30, 2019, four dollars ($4) to the commission fund.

SECTION 117. IC 9-29-5-38, AS AMENDED BY P.L.214-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 38. (a) Except as provided in subsections (c) and (d), vehicles registered under IC 9-18-25 are subject to the following:

(1) ~~An~~ **The** appropriate annual registration fee **under this**

chapter for the vehicle.

(2) An annual supplemental fee of ~~ten dollars ($10)~~ **fifteen dollars ($15)**.

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

~~(3)~~ **(4)** Any other fee or tax required ~~of a person registering~~ **to register** a vehicle under this title.

(b) The bureau shall distribute ~~all~~ **the** money collected under the annual supplemental fee under subsection (a)(2) or (d)(2) as follows:

(1) Five dollars ($5) from each registration is appropriated to the bureau of motor vehicles for the purpose of administering IC 9-18-25.

(2) Five dollars ($5) from each registration shall be deposited in the ~~state license branch~~ **commission** fund under IC 9-29-14.

(3) Five dollars ($5) from each supplemental fee under subsection (a)(2) shall be distributed as follows:

(A) One dollar ($1) to the crossroads 2000 fund.

(B) For a vehicle registered before July 1, 2019, as follows:

(i) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(ii) Two dollars and seventy-five cents ($2.75) to the commission fund.

(C) For a vehicle registered after June 30, 2019, four dollars ($4) to the commission fund.

(c) A vehicle registered under IC 9-18-25 that is owned by a former prisoner of war or by the prisoner's surviving spouse is exempt from the ~~annual registration fee and the annual supplemental fee.~~ **fees described in subsection (a). However, the vehicle is subject to a service charge of five dollars and seventy-five cents ($5.75). The fee shall be distributed as follows:**

(1) Twenty-five cents ($0.25) to the state police building account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) For a vehicle registered before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Three dollars and seventy-five cents ($3.75) to the

commission fund.

(4) For a vehicle registered after June 30, 2019, five dollars ($5) to the commission fund.

(d) A motor vehicle that is registered and for which is issued a special group recognition license plate under IC 9-18-25 and IC 9-18-49 is subject to the following:

(1) ~~An~~ **The** appropriate annual registration fee **under this chapter for the vehicle.**

(2) An annual supplemental fee of ten dollars ($10).

~~(3) Any other fee or tax required of a person registering a vehicle under this title.~~

(3) The applicable special group recognition license plate fee under IC 9-18-25-17.5 or IC 9-18-25-17.7.

(4) The annual fee of twenty dollars ($20) imposed by IC 9-18-49-4(a)(2).

(5) Any other fee or tax required to register a vehicle under this title.

SECTION 118. IC 9-29-5-42, AS AMENDED BY HEA 1380-2014, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 42. (a) Except as provided in subsection (d), vehicles not subject to IC 9-18-2-8 or IC 9-18-2-8.5 shall be registered ~~one-half (1/2) of the regular rate,~~ **the appropriate rate established in this chapter,** subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

(1) Special machinery.

(2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection (d), subsection (a), and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Except as provided in subsections (d) and (e), if the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration, the department of state revenue shall collect the full annual fee for vehicles in a commercial fleet registering with the

department of state revenue, regardless of the date the vehicle is registered. Any vehicles registered with the department of state revenue under this subsection after the date designated for registration shall be registered at a rate determined in STEP THREE of subsection (e).

(d) Subject to subsection (e), a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(e) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under IC 9-18-2-7 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(f) A school bus subject to registration under IC 9-18-2-8.5 that is registered after January 31 for the prior calendar year shall be registered at one-half (1/2) the regular rate.

SECTION 119. IC 9-29-5-43 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 43. (a) Except as otherwise provided by this chapter, subsection (b), and IC 9-29-1-2, registration fees collected under this chapter shall be paid into the state general fund for credit to the motor vehicle highway account under IC 8-14-1.~~

~~(b) Fees collected for the registration of off-road vehicles and snowmobiles under IC 9-18-2.5 and collected as set forth in section 44~~

~~of this chapter shall be deposited in the off-road vehicle and snowmobile fund established under IC 14-16-1-30.~~

SECTION 120. IC 9-29-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 45. The bureau may adopt rules under IC 4-22-2 to impose a pull service charge. However, the bureau may not impose a pull service charge of more than fifteen dollars ($15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the Lewis and Clark expedition.**

SECTION 121. IC 9-29-7-2.3, AS ADDED BY P.L.110-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.3. (a) The fee for a certificate of salvage title is four dollars ($4). **The fee shall be deposited in the motor vehicle highway account.**

(b) The fee for a delinquent certificate of salvage title is ten dollars ($10). The bureau shall collect this fee if:

(1) a purchaser or transferee **of a salvage motor vehicle** fails to apply for a certificate of salvage title or a transfer of title, by assignment, not later than thirty-one (31) days after the salvage motor vehicle is purchased or otherwise acquired; or

(2) the owner of a salvage motor vehicle retains possession of the salvage motor vehicle and the owner fails to apply for a certificate of salvage title not later than thirty-one (31) days after the settlement of loss with the insurance company.

The fee shall be deposited in the motor vehicle highway account.

SECTION 122. IC 9-29-7-2.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2.5. The fee for a duplicate or corrected certificate of salvage title is four dollars ($4).~~

SECTION 123. IC 9-29-7-7 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 7. The revenues from the certificate of salvage titles collected under IC 9-22-3 shall be deposited in the motor vehicle highway account under IC 8-14-1-3.~~

SECTION 124. IC 9-29-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** The fee for ~~a~~ **an original** learner's permit issued under IC 9-24-7 is ~~two dollars ($2).~~ **nine dollars and fifty cents ($9.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the motor vehicle highway account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For an original learner's permit issued before July 1, 2019, as follows:

(A) One dollar and seventy-five cents ($1.75) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(5) For an original learner's permit issued after June 30, 2019, six dollars and fifty cents ($6.50) to the commission fund.

(b) The fee for a duplicate learner's permit issued under IC 9-24-7 is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Two dollars ($2) to the motor vehicle highway account.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For a duplicate learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(5) For a duplicate learner's permit issued after June 30, 2019, six dollars ($6) to the commission fund.

SECTION 125. IC 9-29-9-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. (a) Except as provided in subsection (c), the fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:~~

~~(1) less than seventy-five (75) years of age is nine dollars ($9); and~~

~~(2) at least seventy-five (75) years of age is six dollars ($6).~~

~~(b) The fee for a probationary license issued under IC 9-24-11-3 or IC 9-24-11-3.3 is six dollars ($6).~~

~~(c) Notwithstanding subsection (a), the fee for the renewal of an operator's license issued under IC 9-24 that contains a 2012 expiration~~

~~date is as follows:~~

~~(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the fee is seven dollars and fifty cents ($7.50).~~

~~(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the fee is nine dollars ($9).~~

~~(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the fee is six dollars ($6).~~

~~This subsection does not apply to the issuance or renewal of an operator's license that contains an expiration date after 2012.~~

SECTION 126. IC 9-29-9-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 2.1. (a) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is less than seventy-five (75) years of age is seventeen dollars and fifty cents ($17.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Two dollars ($2) to the crossroads 2000 fund.

(3) Four dollars and fifty cents ($4.50) to the motor vehicle highway account.

(4) For an operator's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Nine dollars and twenty-five cents ($9.25) to the commission fund.

(5) For an operator's license issued or renewed after June 30, 2019, ten dollars and fifty cents ($10.50) to the commission fund.

(b) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is at least seventy-five (75) years of age and less than eighty-five (85) years of age is eleven dollars ($11). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology

fund.

(2) One dollar and fifty cents ($1.50) to the crossroads 2000 fund.

(3) Three dollars ($3) to the motor vehicle highway account.

(4) For an operator's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(5) For an operator's license issued or renewed after June 30, 2019, six dollars ($6) to the commission fund.

(c) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is at least eighty-five (85) years of age is seven dollars ($7). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) Two dollars ($2) to the motor vehicle highway account.

(4) For an operator's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Two dollars and twenty-five cents ($2.25) to the commission fund.

(5) For an operator's license issued or renewed after June 30, 2019, three dollars and fifty cents ($3.50) to the commission fund.

SECTION 127. IC 9-29-9-2.5, AS AMENDED BY P.L.109-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. **(a) Except as provided in subsection (b),** the ~~bureau may adopt rules under IC 4-22-2 to impose a service charge for the issuance of~~ **fee for** an amended ~~operator's~~ license or permit issued under IC 9-24-13-4 **is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents ($1.50) to the crossroads 2000

fund.

(3) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(4) For an amended or duplicate license or permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Five dollars and seventy-five cents ($5.75) to the commission fund.

(5) For an amended or duplicate license or permit issued after June 30, 2019, seven dollars ($7) to the commission fund.

(b) The fee for an amended or a duplicate commercial driver's license is five dollars and fifty cents ($5.50). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(4) Two dollars and fifty cents ($2.50) to the commission fund.

SECTION 128. IC 9-29-9-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. The fee for a three (3) year operator's license issued under IC 9-24-3 is three dollars ($3).~~

SECTION 129. IC 9-29-9-4, AS AMENDED BY P.L.1-2007, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. **(a)** The fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is ~~(1) at least seventy-five (75) years of age is eight dollars ($8); and (2)~~ less than seventy-five (75) years of age is ~~twelve dollars ($12).~~ **twenty-two dollars and fifty cents ($22.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) For a chauffeur's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Seven dollars and seventy-five cents ($7.75) to the

commission fund.

(4) For a chauffeur's license issued or renewed after June 30, 2019, nine dollars ($9) to the commission fund.

(5) Nine dollars ($9) to the motor vehicle highway account.

(b) The fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is at least seventy-five (75) years of age and less than eighty-five (85) years of age is eighteen dollars and fifty cents ($18.50). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) Six dollars ($6) to the motor vehicle highway account.

(4) For a chauffeur's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and seventy-five cents ($6.75) to the commission fund.

(5) For a chauffeur's license issued or renewed after June 30, 2019, eight dollars ($8) to the commission fund.

SECTION 130. IC 9-29-9-5, AS AMENDED BY P.L.206-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fee for a public passenger chauffeur's license issued under IC 9-24-5 is ~~eight dollars ($8).~~ **eighteen dollars and fifty cents ($18.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) Six dollars ($6) to the motor vehicle highway account.

(4) For a public passenger chauffeur's license issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and seventy-five cents ($6.75) to the commission fund.

(5) For a public passenger chauffeur's license issued or renewed after June 30, 2019, eight dollars ($8) to the commission fund.

SECTION 131. IC 9-29-9-7, AS AMENDED BY HEA 1343-2014, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. **(a)** The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of an operator's license issued to an individual who is ~~(1) at least seventy-five (75) years of age is three dollars ($3); and (2)~~ less than seventy-five (75) years of age is ~~four dollars and fifty cents ($4.50).~~ **twelve dollars ($12). The fee shall be distributed as follows:**

(1) One dollar ($1) to the crossroads 2000 fund.

(2) Two dollars and twenty-five cents ($2.25) to the motor vehicle highway account.

(3) One dollar ($1) to the state motor vehicle technology fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and fifty cents ($6.50) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, seven dollars and seventy-five cents ($7.75) to the commission fund.

(b) The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of an operator's license issued to an individual who is at least seventy-five (75) years of age is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:

(1) Seventy-five cents ($0.75) to the motor vehicle highway account.

(2) One dollar ($1) to the state motor vehicle technology fund.

(3) One dollar ($1) to the crossroads 2000 fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and fifty cents ($6.50) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, seven dollars and seventy-five cents ($7.75) to the commission fund.

SECTION 132. IC 9-29-9-8, AS AMENDED BY HEA 1343-2014, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of a chauffeur's license issued to an individual who is ~~(1) at least seventy-five (75) years of age is three dollars ($3); and (2)~~ less than seventy-five (75) years of age is ~~four dollars and fifty cents ($4.50).~~ **twelve dollars ($12). The fee shall be distributed as follows:**

(1) One dollar ($1) to the crossroads 2000 fund.

(2) Two dollars and twenty-five cents ($2.25) to the motor vehicle highway account.

(3) Fifty cents ($0.50) to the state motor vehicle technology fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Seven dollars ($7) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, eight dollars and twenty-five cents ($8.25) to the commission fund.

(b) The fee for validation of a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4 and IC 9-24-12-7 of a chauffeur's license issued to an individual who is at least seventy-five (75) years of age is ten dollars and fifty cents ($10.50). The fee shall be distributed as follows:

(1) Seventy-five cents ($0.75) to the motor vehicle highway account.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) One dollar ($1) to the state motor vehicle technology fund.

(4) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Six dollars and fifty cents ($6.50) to the commission fund.

(5) For a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction validated after June 30, 2019, seven dollars and seventy-five cents ($7.75) to the commission fund.

SECTION 133. IC 9-29-9-9, AS AMENDED BY HEA 1343-2014, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. The fee for **validation of** a motorcycle endorsement or motorcycle endorsement with a Class A motor driven cycle restriction of a public passenger chauffeur's license is ~~one dollar and fifty cents ($1.50).~~ **eight dollars and fifty cents ($8.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the crossroads 2000 fund.

(3) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(4) Five dollars and fifty cents ($5.50) to the commission fund.

SECTION 134. IC 9-29-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. The fee for a motorcycle learner's permit issued under IC 9-24-8 is ~~two dollars ($2).~~ **nine dollars and fifty cents ($9.50). The fee shall be distributed as follows:**

(1) One dollar ($1) to the state motor vehicle technology fund.

(2) One dollar ($1) to the motor vehicle highway account.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For a motorcycle learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and twenty-five cents ($4.25) to the commission fund.

(5) For a motorcycle learner's permit issued after June 30, 2019, five dollars and fifty cents ($5.50) to the commission fund.

SECTION 135. IC 9-29-9-15, AS AMENDED BY P.L.109-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. ~~The fees~~ **(a) Except as provided in subsection (b) or (c), the fee** for the issuance, renewal, amendment, or replacement of an identification card under IC 9-24-16 ~~are as follows: (1) For an individual at least sixty-five (65) years of age or an individual with a physical disability and not entitled to obtain a driver's license, three dollars and fifty cents ($3.50). (2) For any other individual, six dollars ($6).~~ **is eleven dollars and fifty cents ($11.50). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and twenty-five cents ($1.25) deposited as follows:

(A) For an identification card issued, renewed, amended, or replaced before July 1, 2019, into the integrated public safety communications fund.

(B) For an identification card issued, renewed, amended, or replaced after June 30, 2019, into the commission fund.

(3) Two dollars and seventy-five cents ($2.75) to the motor vehicle highway account.

(4) Seven dollars ($7) to the commission fund.

(b) The fee for the issuance, renewal, amendment, or replacement of an identification card under IC 9-24-16 issued to an individual who is at least sixty-five (65) years of age or to an individual with a physical disability who is not entitled to obtain a driver's license is nine dollars ($9). The fee shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar and fifty cents ($1.50) to the motor vehicle highway account.

(3) For an identification card issued, renewed, amended, or replaced before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the

integrated public safety communications fund.

(B) Five dollars and seventy-five cents ($5.75) to the commission fund.

(4) For an identification card issued, renewed, amended, or replaced after June 30, 2019, seven dollars ($7) to the commission fund.

(c) There is no fee for an identification card issued under IC 9-24-16-10 for purposes of voting in an election.

SECTION 136. IC 9-29-9-15.1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.~~

SECTION 137. IC 9-29-9-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 16. The fee for a commercial driver's license issued under IC 9-24-6 is thirty-six dollars ($36). The fee shall be distributed as follows:**

(1) One dollar and fifty cents ($1.50) to the state motor vehicle technology fund.

(2) Fifteen dollars ($15) to the motor vehicle highway account.

(3) For a commercial driver's license issued before July 1, 2019, as follows:

(A) Five dollars ($5) to the integrated public safety communications fund.

(B) Fourteen dollars and fifty cents ($14.50) to the commission fund.

(4) For a commercial driver's license issued after June 30, 2019, nineteen dollars and fifty cents ($19.50) to the commission fund.

SECTION 138. IC 9-29-9-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 17. The fee for a commercial driver's license learner's permit issued under IC 9-24-6 is seventeen dollars ($17). The fee shall be distributed as follows:**

(1) Fifty cents ($0.50) to the motor vehicle highway account.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Two dollars ($2) to the crossroads 2000 fund.

(4) For a commercial driver's license learner's permit issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Twelve dollars and seventy-five cents ($12.75) to the commission fund.

(5) For a commercial driver's license learner's permit issued after June 30, 2019, fourteen dollars ($14) to the commission fund.

SECTION 139. IC 9-29-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The ~~state license branch~~ **bureau of motor vehicles commission** fund is established for the purpose of paying the expenses incurred in administering IC 9-16. The fund shall be administered by the commission.

SECTION 140. IC 9-29-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fund consists of the following:

(1) ~~Service charges collected by license branches.~~ **Money deposited in or distributed to the fund under this article.**

(2) Money received from any other source, including appropriations.

SECTION 141. IC 9-29-15-0.3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 0.3. If P.L.291-2001 imposes an additional service fee under section 1 or 4 of this chapter that is payable into a fund other than the state motor vehicle technology fund established by IC 9-29-16, the general assembly intends that both the service fees imposed under P.L.291-2001 and P.L.176-2001 shall be collected.~~

SECTION 142. IC 9-29-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The fee for a certificate of title or a duplicate certificate of title under IC 9-31-2 is ~~nine~~ **fifteen** dollars and fifty cents ~~($9.50).~~ **($15.50).**

(b) The fee is distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) Two dollars ($2) to the crossroads 2000 fund.

(3) For a certificate of title issued before July 1, 2019, as follows:

(A) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents ($4.75) to the commission fund.

(4) For a certificate of title issued after June 30, 2019, six dollars ($6) to the commission fund.

~~(1)~~ **(5)** Seven dollars ($7) to the department of natural resources.

~~(2) Two dollars and fifty cents ($2.50) to the bureau.~~

~~(c) Fifty cents ($0.50) of each fee distributed under subsection (b)(2) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.~~

SECTION 143. IC 9-29-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) The fee for the assignment of a hull identification number under IC 9-31-2-8 is ~~two~~ **ten** dollars and fifty cents ~~($2.50).~~ **($10.50).**

(b) The fee ~~is retained by the bureau.~~ **shall be distributed as follows:**

(1) Two dollars and fifty cents ($2.50) to the department of natural resources.

(2) Four dollars ($4) to the crossroads 2000 fund.

(3) Four dollars ($4) to the commission fund.

SECTION 144. IC 9-29-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The fee for a late application for title under IC 9-31-2-17 is ~~ten dollars ($10).~~ **twenty dollars ($20).**

(b) The fee is distributed as follows:

(1) Eight dollars ($8) to the department of natural resources.

(2) ~~Two dollars ($2) to the bureau.~~ **Three dollars ($3) to the crossroads 2000 fund.**

(3) Nine dollars ($9) to the commission fund.

SECTION 145. IC 9-29-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) The fees to register a motorboat under IC 9-31-3 are as follows:

(1) ~~Twelve~~ **Sixteen** dollars and fifty cents ~~($12.50)~~ **($16.50)** for a Class 1 motorboat.

(2) ~~Fourteen~~ **Eighteen** dollars and fifty cents ~~($14.50)~~ **($18.50)** for a Class 2, Class 3, or Class 4 motorboat.

(3) ~~Seventeen~~ **Twenty-one** dollars and fifty cents ~~($17.50)~~

($21.50) for a Class 5 motorboat.

(4) ~~Twenty-two~~ **Twenty-six** dollars and fifty cents ~~($22.50)~~ **($26.50)** for a Class 6 or Class 7 motorboat.

~~(b) The department of natural resources receives:~~

~~(1) twelve dollars ($12) for a Class 1 motorboat;~~

~~(2) fourteen dollars ($14) for a Class 2, Class 3, or Class 4 motorboat;~~

~~(3) seventeen dollars ($17) for a Class 5 motorboat; and~~

~~(4) twenty-two dollars ($22) for a Class 6 or Class 7 motorboat;~~

~~of the fee collected under subsection (a).~~

~~(c) Fifty cents ($0.50) of each fee collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.~~

(b) A fee described in subsection (a) shall be distributed as follows:

(1) Fifty cents ($0.50) to the state motor vehicle technology fund.

(2) One dollar ($1) to the commission fund.

(3) Three dollars ($3) to the crossroads 2000 fund.

(4) Any remaining amount to the department of natural resources.

SECTION 146. IC 9-29-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) The fee for the reissuance of a certificate of registration under IC 9-31-3-13 is one dollar ($1).

(b) The fee ~~is retained by the bureau.~~ **shall be deposited in the commission fund.**

SECTION 147. IC 9-29-15-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 6. (a) The fee to obtain a dealer certificate of number under IC 9-31-3-19 is ten dollars ($10).~~

~~(b) The fee is retained by the bureau.~~

SECTION 148. IC 9-29-15-9, AS ADDED BY P.L.46-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The fee to collect the excise tax on a motorboat registered in another state under IC 6-6-11-13(4) is two dollars ($2).

(b) The fee shall be deposited in the ~~state license branch~~ **commission** fund established under IC 9-29-14.

SECTION 149. IC 9-29-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. The fund consists of the following:

~~(1) Fifty cents ($0.50) of each service charge or fee collected by license branches under the following:~~

~~(A) IC 9-29-3-4.~~

~~(B) IC 9-29-3-6.~~

~~(C) IC 9-29-3-7.~~

~~(D) IC 9-29-3-8.~~

~~(E) IC 9-29-3-9.~~

~~(F) IC 9-29-3-10.~~

~~(G) IC 9-29-3-11.~~

~~(H) IC 9-29-3-12.~~

~~(I) IC 9-29-3-14.~~

~~(J) IC 9-29-3-18.~~

~~(K) IC 9-29-15-1.~~

~~(L) IC 9-29-15-4.~~

(1) Money deposited in or distributed to the fund under this article.

~~(2) Money deposited with the approval of the budget agency in the fund from any part of:~~

~~(A) a service fee established under IC 9-29-3-19; or~~

~~(B) an increase of a service fee increased under IC 9-29-3-19.~~

~~(3)~~ **(2)** Money received from any other source, including appropriations.

SECTION 150. IC 9-29-17-1, AS AMENDED BY SEA 350-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) Except as provided in section 3 of this chapter, the fee for the first two (2) license plates issued under IC 9-32-6-1 to a manufacturer or dealer is forty dollars ($40). **There is an additional service charge of five dollars ($5).**

(b) The fee for each additional license plate under IC 9-32-6-5 for a manufacturer or dealer is fifteen dollars ($15). **There is an additional service charge of five dollars ($5).**

(c) The fee for a dealer promotional license plate established under IC 9-32-6-2(b) is forty dollars ($40).

(d) The fee for the first two (2) dealer-wholesale license plates issued to an applicant under IC 9-32-6-2(a)(4) is one hundred

twenty-five dollars ($125). The fee for each additional dealer-wholesale license plate issued to the applicant is fifteen dollars ($15). This subsection expires July 1, 2015.

(e) Fees collected under this section shall be deposited as set forth in section 14(b) of this chapter.

(f) Service charges collected under this section shall be deposited in the crossroads 2000 fund.

SECTION 151. IC 9-29-17-3, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The fee for the first two (2) license plates under IC 9-32-6-1 for a manufacturer or dealer of motorcycles is fifteen dollars ($15). **There is an additional service charge of five dollars ($5).**

(b) The fee for each additional license plate under IC 9-32-6-5 for a manufacturer or dealer of motorcycles is seven dollars and fifty cents ($7.50). **There is an additional service charge of two dollars and fifty cents ($2.50).**

(c) Fees collected under this section shall be deposited as set forth in section 14(b) of this chapter.

(d) Service charges collected under this section shall be deposited in the crossroads 2000 fund.

SECTION 152. IC 9-29-17-4, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) The fee for the issuance of an interim dealer license plate under IC 9-32-6-11 is three dollars ($3). **There is an additional service charge of two dollars ($2).**

(b) Fees collected under subsection (a) shall be deposited as set forth in section 14(c) of this chapter.

(c) Service charges collected under this section shall be deposited in the crossroads 2000 fund.

SECTION 153. IC 9-29-17-11, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. The fee for a business name or location change under IC 9-32-11-6 is five dollars ($5). ~~The fees collected shall be deposited as set forth in IC 9-32-7-3.~~ **The secretary of state shall retain the fees collected.**

SECTION 154. IC 9-29-17-14, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2015]: Sec. 14. (a) Except as otherwise provided in ~~subsection (b), subsection (c), and IC 9-29-1-2,~~ **subsections (b) and (c),** registration fees collected under IC 9-32 and fees collected under section 7 of this chapter shall be paid into the state general fund for credit to the motor vehicle highway account under IC 8-14-1.

(b) Fees collected under this chapter for license plates issued under IC 9-32-6 by the secretary of state shall be deposited as follows:

(1) The following shall be deposited in the dealer compliance account established by IC 9-32-7-1:

(A) Thirty percent (30%) of the fees collected for license plates issued under IC 9-32-6, except for license plates issued under IC 9-32-6-2(b).

(B) One hundred percent (100%) of the fees collected for license plates issued under IC 9-32-6-2(b).

(2) Seventy percent (70%) of the fees collected for license plates issued under IC 9-32-6, except for license plates issued under IC 9-32-6-2(b), shall be deposited in the motor vehicle highway account.

(c) Notwithstanding subsection (b), fees collected under this chapter for interim license plates issued under IC 9-32-6-11 by the secretary of state shall be deposited as follows:

(1) ~~Sixty-six and seven-tenths percent (66.7%)~~ **Forty percent (40%)** to the crossroads 2000 fund established by IC 8-14-10-9.

(2) ~~Thirty percent (30%)~~ **Forty-nine percent (49%)** to the dealer compliance account established by IC 9-32-7-1.

(3) ~~Three and three-tenths percent (3.3%)~~ **Eleven percent (11%)** to the motor vehicle highway account under IC 8-14-1.

SECTION 155. IC 9-29-17-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 16. (a) The fee to obtain a dealer plate under IC 9-31-3-19 is ten dollars ($10).**

(b) The fee is retained by the secretary of state.

SECTION 156. IC 9-30-10-18, AS AMENDED BY HEA 1279-2014, SECTION 145, AND AS AMENDED BY HEA 1343-2014, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. (a) In a criminal action brought under section 16 or 17 of this chapter, it is a defense that the operation of a motor vehicle was necessary to save life or limb in an

extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

(b) In an action brought under section 16 **or** 17 ~~or 17.5~~ of this chapter, it is a defense that the defendant was operating a Class B motor driven cycle, unless the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

SECTION 157. IC 9-31-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. The bureau shall charge and collect the fee provided under IC 9-29-15-5 for the reissuance of a certificate of registration if:

(1) the original certificate has been lost or destroyed;

(2) a duplicate certificate is needed; or

(3) an amendment or a correction is needed to the registration information.

SECTION 158. IC 9-32-3-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) Notwithstanding any other law or rules, and not later than October 1, 2014, the secretary shall adopt emergency rules under IC 4-22-2-37.1 to do the following:**

(1) Eliminate dealer-wholesale license plates and wholesale dealer licenses.

(2) Administer the transition process from wholesale dealer to dealer.

(b) This section expires July 1, 2015.

SECTION 159. IC 9-32-16-1, AS AMENDED BY SEA 24-2014, SECTION 49, AND AS AMENDED BY SEA 350-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) This chapter shall be administered by the secretary.

(b) The secretary:

(1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and

(2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of

others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) The secretary may develop and implement dealer's and vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of vehicles, with particular emphasis on the prevention and detection of fraud involving vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education program.

(f) Fees and funds accruing from the administration of this article:

(1) described in IC 9-32-7-1(d) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer compliance account established by IC 9-32-7-1(a);

(2) described in IC 9-32-7-2(b) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer enforcement account established by IC 9-32-7-2(a);

(3) described in IC 9-29-17-14(b)(2), IC 9-29-17-14(c)(3), and IC 9-32-7-3(2) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the motor vehicle highway account under IC 8-14-1;

(4) described in IC 9-32-7-3(3) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the state police department, and these fees and funds are continuously appropriated to the department for its use in enforcing odometer laws;

(5) described in IC 9-32-7-3(4) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the attorney general, and these fees and funds are continuously appropriated to the attorney general for use in enforcing odometer laws; and

(6) described in IC 9-29-1-4(a) **(before its amendment January 1, 2015)** shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the state police building account.

Expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, grants and donations under subsection (e), costs of investigations, and civil penalties recovered under this chapter shall be deposited by the treasurer of state in the dealer enforcement account established by IC 9-32-7-2. The funds in the dealer compliance account established by IC 9-32-7-1 must be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this article.

(g) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the director upon the request of the director. To that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the director as the demands of the division require. Expenses incurred by the attorney general for the purposes stated under this subsection are chargeable against and shall be paid out of funds appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the director and the director's designee to represent the director and the division in any proceeding involving enforcement or defense of this article.

(h) The secretary, director, and employees of the division are not liable in an individual capacity, except to the state, for an act done or omitted in connection with the performance of their duties under this article.

(i) The director and each attorney or investigator designated by the secretary:

(1) are police officers of the state;

(2) have all the powers and duties of police officers in conducting investigations for violations of this article, or in serving any process, notice, or order issued by an officer, authority, or court in connection with the enforcement of this article; and

(3) comprise the enforcement department of the division.

The division is a criminal justice agency for purposes of IC 5-2-4-1(3) and IC 10-13-3-6.

(j) The provisions of this article delegating and granting power to the secretary, division, and director shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented; and

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured.

(k) Copies of any statements and documents filed in the office of the secretary and of any records of the secretary certified by the director are admissible in any prosecution, action, suit, or proceeding based on, arising out of, or under this article to the same effect as the original of the statement, document, or record would be if actually produced.

SECTION 160. IC 35-51-9-1, AS AMENDED BY P.L.262-2013, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).

IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).

IC 9-17-2-15 (Concerning certificates of title).

IC 9-17-2-16 (Concerning certificates of title).

IC 9-17-3-3.2 (Concerning certificates of title).

IC 9-17-3-7 (Concerning certificates of title).

IC 9-17-4-14 (Concerning special identification numbers).

IC 9-17-4-15 (Concerning special identification numbers).

IC 9-17-4-16 (Concerning special identification numbers).

IC 9-17-4-17 (Concerning identification numbers).

IC 9-17-4-18 (Concerning identification numbers).

IC 9-18-2-42 (Concerning motor vehicle registration and license

plates).
IC 9-18-2-44 (Concerning motor vehicle registration and license plates).
IC 9-18-2-45 (Concerning motor vehicle registration and license plates).
IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).
IC 9-18-4-8 (Concerning motor vehicle registration and license plates).
IC 9-18-13-9 (Concerning motor vehicle registration and license plates).
IC 9-18-19-4 (Concerning vehicle registration and license plates).
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
IC 9-19-9-5 (Concerning motor vehicle equipment).
IC 9-19-10.5-4 (Concerning motor vehicle equipment).
IC 9-19-10.5-5 (Concerning motor vehicle equipment).
IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).
IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
IC 9-21-12-9 (Concerning traffic regulation).
IC 9-21-12-11 (Concerning traffic regulation).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).
IC 9-22-5-18.2 (Concerning buying a motor vehicle without a certificate of title).
IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).
IC 9-22-6-3 (Concerning mechanic's liens for vehicles).

IC 9-24-1-8 (Concerning driver's licenses).
IC 9-24-6-16 (Concerning driver's licenses).
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
IC 9-24-15-11 (Concerning driver's licenses).
IC 9-24-16-12 (Concerning driver's licenses).
IC 9-24-16-13 (Concerning driver's licenses).
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
IC 9-24-18-7 (Concerning driver's licenses).
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
IC 9-24-19-4 (Concerning driver's licenses).
IC 9-25-6-18 (Concerning financial responsibility).
IC 9-25-8-2 (Concerning financial responsibility).
IC 9-26-1-8 (Concerning accidents and accident reports).
IC 9-26-1-9 (Concerning accidents and accident reports).
IC 9-26-6-4 (Concerning accidents and accident reports).
IC 9-30-4-7 (Concerning licenses and registrations).
IC 9-30-4-8 (Concerning licenses and registrations).
IC 9-30-4-13 (Concerning licenses and registrations).
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
IC 9-31-2-26 (Concerning watercraft titling and registration).
IC 9-31-2-27 (Concerning watercraft titling and registration).
IC 9-31-2-28 (Concerning watercraft titling and registration).
IC 9-32-17-2 (Concerning certificates of title).
IC 9-32-17-3 (Concerning dealer license plates).

IC 9-32-17-4 (Concerning licensing of vehicle salvaging).
IC 9-32-17-5 (Concerning regulation of vehicle merchandising).
IC 9-32-17-6 (Concerning unfair practices by dealers).

SECTION 161. [EFFECTIVE JANUARY 1, 2015] **(a) The following rules are void:**

140 IAC 8-3-3 (forms service charge)
140 IAC 8-3-4 (speed title service charge)
140 IAC 8-3-5 (duplicate or corrected registration service charges)
140 IAC 8-3-8 (vehicle registration service charge)
140 IAC 8-3-9 (operator's license service charge)
140 IAC 8-3-11 (excise tax collection service charges)
140 IAC 8-3-12 (title service charges and fees)
140 IAC 8-3-13 (delinquent title service charge)
140 IAC 8-3-15 (transfer of vehicle registration service charge)
140 IAC 8-3-16 (miscellaneous special license plate service charge)
140 IAC 8-3-17 (civic event license plate fee and service charge)
140 IAC 8-3-18 (additional service charge for permits and licenses)
140 IAC 8-3-19 (commercial driver's license service charge)
140 IAC 8-3-20 (identification card service charge)
140 IAC 8-3-21 (duplicate or replacement license plate service charge increase)
140 IAC 8-3-22 (duplicate title service charge increase)
140 IAC 8-3-23 (watercraft certificate of title service charge)
140 IAC 8-3-24 (late application for watercraft certificate of title service charge)
140 IAC 8-3-25 (hull identification number service charge)
140 IAC 8-3-26 (delinquent registration service charge)
140 IAC 8-3-27 (delinquent license renewal service charge)
140 IAC 8-3-28 (transactions service charge)
140 IAC 8-3-30 (commercial driver's license fees)
140 IAC 8-4-1 (vehicle certificate of title fee increase)
140 IAC 8-4-2 (passenger motor vehicle registration fee increase)
140 IAC 8-4-3 (motorcycle registration fee increase)

140 IAC 8-4-4 (truck or tractor registration fee increase)
140 IAC 8-4-5 (trailer used with motor vehicle fee increase)
140 IAC 8-4-6 (semitrailer used with tractor registration fee increase)
140 IAC 8-4-7 (bus registration fee increase)
140 IAC 8-4-8 (special machinery registration fee increase)
140 IAC 8-4-9 (qualified IC 9-29-5-13 farm vehicle fee increase)
140 IAC 8-4-10 (manufacturer or dealer license plate fee increase)
140 IAC 8-4-11 (motorcycle manufacturer or dealer license plate fee increase)
140 IAC 8-4-12 (transport operator fee increase)
140 IAC 8-4-13 (duplicate or replacement license plate fee increase)
140 IAC 8-4-14 (recreational vehicle registration fee increase)
140 IAC 8-4-15 (farm tractor used in transportation fee increase)
140 IAC 8-4-16 (temporary registration fee increase)
140 IAC 8-4-17 (special motor vehicle identification number fee increase)
140 IAC 8-4-18 (transfer of vehicle registration fee increase)
140 IAC 8-4-19 (recovery vehicle registration fee increase)
140 IAC 8-4-20 (personalized license plate registration fee increase)
140 IAC 8-4-21 (amateur radio operator license plate fee increase)
140 IAC 8-4-22 (civic event license plate fee increase)
140 IAC 8-4-23 (special group recognition license plate fee increase)
140 IAC 8-4-24 (interim dealer or manufacturer transport license plate fee increase)
140 IAC 8-4-25 (permit or license fee increase)
140 IAC 8-4-26 (motorcycle endorsement fee increase)
140 IAC 8-4-27 (watercraft certificate of title fee increase)
140 IAC 8-4-28 (hull identification number fee increase)
140 IAC 8-4-29 (late application for watercraft certificate of title fee increase)
140 IAC 8-4-30 (watercraft registration fee increase).

The publisher of the Indiana Administrative Code and Indiana Register shall remove these provisions from the Indiana Administrative Code.

(b) A rule that the bureau of motor vehicles determines is contrary to this act is void. The bureau of motor vehicles shall submit a statement to the publisher of the Indiana Administrative Code and Indiana Register under IC 4-22-7-7 indicating which rules the bureau determines are contrary to this act and void. These rules, if any, are void effective thirty (30) days after submission of the statement. The bureau of motor vehicles must make the determination under this subsection not later than August 31, 2015.

(c) This SECTION expires December 31, 2015.

SECTION 162. [EFFECTIVE JANUARY 1, 2015] **(a) This act applies to transactions under IC 9 that occur after December 31, 2014.**

(b) This SECTION expires December 31, 2015.

SECTION 163. [EFFECTIVE JANUARY 1, 2015] **(a) The general assembly recognizes that HEA 1343-2014 amends IC 9-24-8-6 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-24-8-6.**

(b) The general assembly recognizes that HEA 1279-2014 amends IC 9-29-1-2 and that this act repeals that section. The general assembly intends to repeal IC 9-29-1-2.

(c) The general assembly recognizes that:

(1) HEA 1019-2014 amends IC 9-29-3-19;

(2) HEA 1343-2014 amends IC 9-29-3-10 and IC 9-29-3-11; and

(3) this act repeals IC 9-29-3.

The general assembly intends to repeal IC 9-29-3.

(d) The general assembly recognizes that SEA 24-2014 amends IC 9-29-5-43 and that this act repeals that section. The general assembly intends to repeal IC 9-29-5-43.

(e) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-9 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-9.

(f) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-13 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-13.

(g) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-15 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-15.

(h) The general assembly recognizes that HEA 1343-2014 amends IC 9-30-10-17.5 and that HEA 1279-2014 repeals that section. The general assembly intends to repeal IC 9-30-10-17.5.

SECTION 164. **An emergency is declared for this act.**

P.L.217-2014
[H.1279. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 1-1-5.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22. (a) A SECTION of HEA 1279-2014 does not affect:**

(1) penalties incurred;

(2) crimes committed; or

(3) proceedings begun;

before the effective date of that SECTION of HEA 1279-2014. Those penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if that SECTION of HEA 1279-2014 had not been enacted.

(b) The general assembly does not intend the doctrine of amelioration (see Vicory v. State, 400 N.E.2d 1380 (Ind. 1980)) to apply to any SECTION of HEA 1279-2014.

SECTION 2. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or

to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

~~(b) In addition to the penalty under subsection (a), a minor who:~~

~~(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or~~

~~(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;~~

~~shall have the minor's driver's license, permit, or driving privileges suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

~~(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).~~

SECTION 3. IC 7.1-5-7-7, AS AMENDED BY P.L.125-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a)~~ Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume an alcoholic beverage; or

(3) transport an alcoholic beverage on a public highway when not accompanied by at least one (1) of the minor's parents or guardians.

~~(b) If a minor is found to have violated subsection (a) while operating a vehicle, the court may order the minor's driving privileges suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driving privileges suspended for at least sixty (60) days.~~

~~(c) The court shall deliver any order suspending a minor's driving privileges under this section to the bureau of motor vehicles, which shall suspend the minor's driving privileges under IC 9-24-18-12 for the period ordered by the court.~~

SECTION 4. IC 7.1-5-7-10, AS AMENDED BY P.L.125-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) It is a Class C misdemeanor for a minor to ~~recklessly~~ **knowingly or intentionally** be in a tavern, bar, or other

public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. ~~In addition to other penalties under this subsection, the minor's driver's license, permit, or driving privileges shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 5. IC 8-23-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. (a) As used in this section, "highway work zone" means an area where:

(1) highway construction, reconstruction, or maintenance is actually occurring; and

(2) notice is posted ~~in accordance with the:~~

~~(A) Indiana Manual on Uniform Traffic Control Devices; or~~

~~(B) Indiana Work Site Traffic Control Manual;~~ **indicating that the highway work zone is a specific area designated with signage on the highway.**

~~to indicate that highway construction, reconstruction, or maintenance is occurring.~~

(b) The department may contract with the state police department or local law enforcement agencies to hire off duty police officers to patrol highway work zones. The duties of a police officer who is hired under this section:

(1) are limited to those duties that the police officer normally performs while on active duty; and

(2) do not include the duties of a:

(A) flagman; or

(B) security officer.

(c) The department shall use the money transferred to the department under ~~IC 33-37-9-4(6)~~ **IC 33-37-9-4(a)(6)** to pay the costs of hiring off duty police officers to perform the duties described in subsection (b).

(d) All money transferred to the department under ~~IC 33-37-9-4(6)~~ **IC 33-37-9-4(a)(6)** is annually appropriated to pay off duty police officers to perform the duties described in subsection (b).

SECTION 6. IC 9-13-2-75, AS AMENDED BY P.L.262-2013,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 75. "Identification number" ~~for purposes of IC 9-17-4-18, has the meaning set forth in IC 9-17-4-18.~~ **means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:**

(1) a manufacturer of motor vehicles or motor vehicle parts; or

(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.

SECTION 7. IC 9-13-2-146 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 146. "Railroad" does not include street car.~~

SECTION 8. IC 9-13-2-149.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 149.8. "Recovery vehicle" means a:**

(1) Class A recovery vehicle as defined in section 26 of this chapter; or

(2) Class B recovery vehicle as defined in section 27 of this chapter.

SECTION 9. IC 9-13-2-176 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 176. "Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.~~

SECTION 10. IC 9-13-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 182. "Traffic" means pedestrians, ridden or herded animals, ~~street cars,~~ vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

SECTION 11. IC 9-13-2-196.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 196.3. "Vehicular substance offense", for purposes of IC 9-30-15.5, has the meaning set forth in IC 9-30-15.5-1.**

SECTION 12. IC 9-17-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. (a) Except as provided in:

(1) subsection (b); **and**

(2) section 15 of this chapter; ~~and~~

~~(3) section 16 of this chapter;~~

a person who violates this chapter commits a Class C infraction.

(b) A person who violates section 6 of this chapter commits a Class B infraction.

SECTION 13. IC 9-17-2-16 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 16. (a) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:~~

~~(1) use the certificate of title; or~~

~~(2) permit another person to use the certificate of title;~~

~~commits a Class B misdemeanor.~~

~~(b) The bureau shall suspend the driver's license or permit of a person who uses or possesses a certificate of title described under subsection (a) for ninety (90) days. This mandatory suspension is in addition to sanctions provided in IC 9-30-4-9.~~

SECTION 14. IC 9-17-3-3.2, AS AMENDED BY P.L.158-2013, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor shall fill in all blanks on the certificate of title relating to buyer information, including the sale price.

(b) The ~~knowing or intentional~~ failure of the seller or transferor to fill in all buyer information is a ~~Class A misdemeanor for the first offense and a Level 6 felony for the second or subsequent offense under section 7(c)(2) of this chapter.~~ **Class B infraction.**

SECTION 15. IC 9-17-3-3.4, AS ADDED BY P.L.262-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3.4. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under section 9 of this chapter, the person who holds the certificate of title must do the following:

(1) Endorse on the certificate of title an assignment of the certificate of title with warranty of title, in a form printed on the certificate of title, with a statement describing all liens or encumbrances on the vehicle.

(2) Deliver the certificate of title to the purchaser or transferee at

the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(3) Unless the vehicle is being sold or transferred to a dealer licensed under IC 9-32, complete all information concerning the purchase on the certificate of title, including, but not limited to:

(A) the name and address of the purchaser; and

(B) the sale price of the vehicle.

(b) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle must deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(c) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

(d) A person who violates subsection (a)(1) or (a)(3) commits a Class B infraction.

SECTION 16. IC 9-17-3-7, AS AMENDED BY P.L.262-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of this chapter.

(b) Except as provided in ~~subsection (c),~~ **section 3.4(d) of this chapter,** a person who violates this chapter commits a Class C infraction.

~~(c) A person who knowingly or intentionally violates:~~

~~(1) section 3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B misdemeanor; or~~

~~(2) section 3.4(a)(3) of this chapter commits:~~

~~(A) a Class A misdemeanor for the first violation; or~~

~~(B) a Class D felony for the second violation or any subsequent violation.~~

SECTION 17. IC 9-17-4-7, AS ADDED BY P.L.262-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Not more than twenty (20) days after a person becomes the owner, custodian, or possessor of a motor vehicle

that:

(1) was manufactured after December 31, 1954; and

(2) either:

(A) does not have a manufacturer's identification number installed on the motor vehicle; or

(B) has an original manufacturer's identification number that is altered, destroyed, obliterated, or defaced;

the person shall apply to the bureau for permission to make or stamp a special identification number on the motor vehicle.

(b) The bureau shall prescribe the form of an application under subsection (a). The application must contain the following:

(1) A description of the motor vehicle, including the make, style, and year of model of the motor vehicle.

(2) A description of:

(A) the original manufacturer's identification number, if possible; or

(B) any distinguishing marks on the engine or body of the motor vehicle.

(3) The name and address of the applicant.

(4) The date on which the applicant purchased or took possession of the motor vehicle.

(5) The name and address of the person from whom the applicant purchased or acquired the motor vehicle.

(6) Any application fee required under IC 9-29 for a special identification number.

(7) Any other information the bureau requires.

(c) A person who owns or possesses a motor vehicle described in subsection (a) and fails to comply with this section commits a Class B infraction.

SECTION 18. IC 9-17-4-8, AS ADDED BY P.L.262-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) The bureau shall review an application submitted under section 7 of this chapter. If the bureau determines the application is complete, the bureau shall issue to the applicant written permission to make or stamp a special identification number on the motor vehicle. The bureau shall designate the special identification number and the location of the special identification number on the motor vehicle.

(b) A new special identification number may not cover or otherwise obscure an original identification number that is visible on a motor vehicle.

(c) A new special identification number that is stamped or otherwise placed on a motor vehicle under this chapter becomes the lawful identification number of the motor vehicle for all purposes, including for purposes of selling or transferring the motor vehicle.

(d) A person who covers or obscures an original or special identification number as described in subsection (b) commits a Class B infraction.

SECTION 19. IC 9-17-4-14 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 14. A person who owns or possesses a motor vehicle that the person knows violates section 7 or 8 of this chapter commits a Class D felony.~~

SECTION 20. IC 9-17-4-15 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 15. (a) A person who knowingly:~~

~~(1) damages;~~

~~(2) removes; or~~

~~(3) alters;~~

~~an original or a special identification number commits a Class C felony.~~

~~(b) A person who, with the intent to conceal evidence of the commission of a crime, covers an original or special identification number commits a Class C felony.~~

SECTION 21. IC 9-17-4-16 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 16. A person who knowingly sells or offers for sale a motor vehicle with an original or a special identification number that is:~~

~~(1) destroyed;~~

~~(2) removed;~~

~~(3) altered;~~

~~(4) covered; or~~

~~(5) defaced;~~

~~commits a Class D felony.~~

SECTION 22. IC 9-17-4-17 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 17. A person who knowingly or intentionally sells or offers for sale a motor vehicle part with an identification number that is:~~

~~(1) destroyed;~~

~~(2) removed;~~

~~(3) altered;~~

~~(4) covered; or~~

~~(5) defaced;~~

~~commits a Class D felony.~~

SECTION 23. IC 9-17-4-18 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 18. (a) For purposes of this section, "identification number" means a set of numbers, letters, or both numbers and letters that is assigned to a motor vehicle or motor vehicle part by:~~

~~(1) a manufacturer of motor vehicles or motor vehicle parts; or~~

~~(2) a governmental entity to replace an original identification number that is destroyed, removed, altered, or defaced.~~

~~(b) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:~~

~~(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or~~

~~(2) as authorized by the bureau under this chapter.~~

~~(c) A person who knowingly or intentionally possesses a plate or label that:~~

~~(1) contains an identification number; and~~

~~(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or a governmental entity;~~

~~commits a Class D felony.~~

~~(d) A person who knowingly or intentionally possesses a plate or label on which the identification number is altered or removed commits a Class D felony.~~

~~(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or both numbers and letters that purports to be an identification number commits a Class D felony.~~

SECTION 24. IC 9-18-2-42 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 42. (a) This section does not apply to section 21 of this chapter.~~

~~(b) A person who counterfeits or falsely reproduces a certificate of registration for a motor vehicle, semitrailer, or recreational vehicle with intent to:~~

~~(1) use the certificate of registration; or~~

~~(2) permit another person to use the certificate of registration; commits a Class B misdemeanor.~~

~~(c) The bureau shall suspend the driver's license or permit of a person who uses or possesses a certificate of registration described under subsection (b) for ninety (90) days. This mandatory suspension is in addition to sanctions provided in IC 9-30-4-9.~~

SECTION 25. IC 9-18-2.5-12, AS ADDED BY P.L.259-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. (a) A manufacturer of an off-road vehicle or snowmobile shall stamp an identifying vehicle number into the frame of the off-road vehicle or snowmobile. **A manufacturer that violates this subsection commits a Class A infraction.**

(b) The vehicle number shall be stamped where the number may be easily seen with a minimum of physical effort. **A manufacturer that violates this subsection commits a Class A infraction.**

(c) Upon request, a manufacturer shall furnish information as to the location of vehicle numbers on off-road vehicles and snowmobiles the manufacturer produces to a police officer or the bureau. **A manufacturer that violates this subsection commits a Class A infraction.**

(d) A person may not possess an off-road vehicle or snowmobile with an altered, defaced, or obliterated vehicle number. **A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.**

SECTION 26. IC 9-18-2.5-16, AS ADDED BY P.L.259-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. ~~(a)~~ Except as provided in ~~subsection (b),~~ **section 12 of this chapter,** a person that violates this chapter commits a Class C infraction.

~~(b) A person that violates section 12(d) of this chapter commits a Class B misdemeanor.~~

SECTION 27. IC 9-18-4-8 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 8. A person who knowingly violates this chapter commits a Class B misdemeanor.~~

SECTION 28. IC 9-18-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) A person who operates a recovery vehicle must meet the minimum standards for financial responsibility that are set forth in IC 9-25.

(b) A recovery vehicle may be registered only if proof of financial responsibility in amounts required under IC 9-25 is produced at the time of registration. The bureau shall retain a record of that proof in the bureau's files.

(c) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(d) A person may not operate a recovery vehicle on a highway in violation of this section.

(e) A person who violates this section commits a Class B infraction.

SECTION 29. IC 9-18-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. **(a)** A person may not operate a vehicle:

(1) that is not qualified to register as a recovery vehicle under this chapter;

(2) for the purpose of lifting and pulling:

(A) a disabled;

(B) a wrecked;

(C) an abandoned;

(D) an improperly parked; or

(E) a burnt;

vehicle; and

(3) on a highway.

(b) A person who violates this section commits a Class C infraction.

SECTION 30. IC 9-18-13-9 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 9. A person who violates section 4 of this chapter commits a Class C misdemeanor.~~

SECTION 31. IC 9-18-13-10 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 10. A person who violates section 7 of this chapter commits a Class C infraction.~~

SECTION 32. IC 9-19-9-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. A person may not:~~

~~(1) advertise for sale;~~

~~(2) sell;~~

~~(3) use; or~~

~~(4) install;~~

~~any device that causes an odometer to register mileage other than the~~

~~mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.~~

SECTION 33. IC 9-19-9-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. A person may not:~~

~~(1) disconnect;~~

~~(2) reset; or~~

~~(3) alter;~~

~~the odometer of any motor vehicle with intent to change the number of miles indicated on the odometer.~~

SECTION 34. IC 9-19-9-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. (a) This section applies to all motor vehicles except the following:~~

~~(1) Motorcycles.~~

~~(2) Trucks the declared gross weight of which exceeds eleven thousand (11,000) pounds.~~

~~(3) Motor vehicles that have a model year on their registration card that is at least five (5) years earlier than the year the vehicle is in operation on a street or highway.~~

~~(b) A person may not knowingly operate a motor vehicle on a street or highway if the odometer of the vehicle is disconnected or nonfunctional.~~

SECTION 35. IC 9-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. **(a)** This chapter does not prohibit the service, repair, or replacement of an odometer if the mileage indicated on the odometer remains the same as before the service, repair, or replacement.

(b) If the odometer is incapable of registering the same mileage as before the service, repair, or replacement, the odometer shall be adjusted to read zero (0) and a notice in writing shall be attached to the left door frame of the vehicle by the owner or the owner's agent specifying the mileage before repair or replacement of the odometer and the date on which the odometer was repaired or replaced. ~~A person may not knowingly remove or alter a notice affixed to a motor vehicle under this section.~~

SECTION 36. IC 9-19-9-5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 5. A person who, with intent to defraud:~~

~~(1) violates this chapter; or~~

~~(2) omits to do any act that is required by this chapter;~~

~~commits a Level 6 felony.~~

SECTION 37. IC 9-19-9-7, AS AMENDED BY P.L.54-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. A person who

~~(1) violates this chapter; or~~

~~(2)~~ violates 49 U.S.C. 32709 (as in effect January 1, 1995)

commits a deceptive act and is subject to a civil penalty of not more than one thousand five hundred dollars ($1,500) for each violation in addition to other remedies available under this chapter and IC 24-5-0.5. The attorney general, acting in the name of the state, has the exclusive right to petition for recovery of such a penalty, and the penalty may be recovered only in an action brought under IC 24-5-0.5-4(c).

SECTION 38. IC 9-19-10.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. **(a)** A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if a person in a motor vehicle is injured or dies as a result of the violation of subsection (a).

SECTION 39. IC 9-19-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **(a)** A person may not knowingly or intentionally:

(1) sell;

(2) lease;

(3) trade; or

(4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 40. IC 9-19-10.5-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. A person who violates section 2 of this chapter commits a Class A misdemeanor. However, the offense is a~~

~~Level 6 felony if a person in a motor vehicle is injured as a result of the air bag tampering.~~

SECTION 41. IC 9-19-10.5-5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 5. A person who violates section 3 of this chapter commits a Level 6 felony.~~

SECTION 42. IC 9-19-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) This section does not apply to a manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by FMVSS205 as promulgated in 49 CFR 571.205. Proof from the manufacturer, supplier, or installer that the tinting or glazing is in compliance with or permitted by FMVSS205 must be carried in the vehicle.

(b) This section does not apply to the driver of a vehicle:

(1) that is owned by an individual required for medical reasons to be shielded from the direct rays of the sun; or

(2) in which an individual required for medical reasons to be shielded from the direct rays of the sun is a habitual passenger.

The medical reasons must be attested to by a physician or optometrist licensed to practice in Indiana, and the physician's or optometrist's certification of that condition must be carried in the vehicle. The physician's or optometrist's certificate must be renewed annually.

(c) A person may not drive a motor vehicle that has a:

(1) windshield;

(2) side wing;

(3) side window that is part of a front door; or

(4) rear back window;

that is covered by or treated with sunscreening material or is tinted ~~to the extent or manufactured in a way that the occupants of the vehicle cannot be easily identified or recognized through that window from outside the vehicle. However, it is a defense if the sunscreening material applied to those windows~~ **with material that** has a total solar reflectance of visible light of ~~not~~ more than twenty-five percent (25%) as measured on the nonfilm side and light transmittance of ~~at least~~ **less than** thirty percent (30%) in the visible light range.

(d) A person may not tint or otherwise cover or treat with sunscreening the parts of a vehicle described in subsection (c) so that operation of the vehicle after the tinting or sunscreening is performed

is a violation of subsection (c). However, it is not a violation of this chapter if this work is performed for a person who submits a physician's or optometrist's statement as described in subsection (b) to the person who is to perform the work.

(e) A vehicle may be stopped to determine compliance with this section. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this section.

SECTION 43. IC 9-20-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. A person who moves a vehicle or combination of vehicles after the vehicle or combination of vehicles is impounded commits a ~~Class B misdemeanor.~~ **Class A infraction.**

SECTION 44. IC 9-21-3-10 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 10. The motorman of a street car shall obey traffic control signals that are applicable to vehicles.~~

SECTION 45. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. A person who violates section 7, 8, **or** 9 ~~or 10~~ of this chapter commits a Class C infraction.

SECTION 46. IC 9-21-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section **and IC 8-23-2-15,** maintain traffic control devices conforming to the state manual and specifications upon all state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has received written permission from the Indiana department of transportation.

(c) If the department determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If

the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation.

SECTION 47. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 41. (a) A person who drives a vehicle ~~or street car~~ may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

SECTION 48. IC 9-21-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle ~~or street car~~ may not do the following:

(1) Ride in a position that interferes with the view ahead or to the sides of the person who drives the vehicle. ~~or street car.~~

(2) Interfere with the person's control over the driving mechanism

of the vehicle. ~~or street car.~~

SECTION 49. IC 9-21-8-52, AS AMENDED BY P.L.70-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

(A) endanger the safety or the property of others; or

(B) block the proper flow of traffic;

(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted; or

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, **it is a Class C misdemeanor and** the court ~~shall~~ **may** recommend the suspension of the current driving license of the person for a fixed period of

~~(1) not less than thirty (30) days; and~~

~~(2)~~ not more than one (1) year.

SECTION 50. IC 9-21-8-56, AS AMENDED BY P.L.158-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 56. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) Except as provided in subsections (f) through (h), a person who recklessly operates a vehicle in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(c) Except as provided in subsections (f) through (h), a person who

knowingly **or** intentionally ~~or recklessly~~ operates a motor vehicle in the immediate vicinity of a highway work zone when workers are present with the intent to:

(1) damage traffic control devices; or

(2) inflict bodily injury on a worker;

commits a Class A misdemeanor.

(d) Except as provided in subsections (f) through (h), a person who knowingly, intentionally, or recklessly engages in:

(1) aggressive driving, as defined in section 55 of this chapter; or

(2) a speed contest, as prohibited under IC 9-21-6-1;

in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(e) Except as provided in subsections (f) through (h), a person who recklessly fails to obey a traffic control device or flagman, as prohibited under section 41 of this chapter, in the immediate vicinity of a highway work zone when workers are present commits a Class A misdemeanor.

(f) An offense under subsection (b), (c), (d), or (e) is a Level 6 felony if the person who commits the offense:

(1) has a prior unrelated conviction under this section in the previous five (5) years; or

(2) is operating the vehicle in violation of IC 9-30-5-1 or IC 9-30-5-2.

(g) An offense under subsection (b), (c), (d), or (e) is a Level 6 felony if the offense results in bodily injury to a worker in the worksite.

(h) An offense under subsection (b), (c), (d), or (e) is a Level 5 felony if the offense results in the death of a worker in the worksite.

(i) A person who knowingly, intentionally, or recklessly engages in an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4), 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a highway work zone when workers are present commits a Class B infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for an infraction under this subsection shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

SECTION 51. IC 9-21-11-5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 5. A person upon a bicycle, a coaster, roller skates, or a toy vehicle may not attach the bicycle, coaster, roller~~

~~skates, or toy vehicle or the person to a street car or vehicle upon a roadway.~~

SECTION 52. IC 9-21-12-1, AS AMENDED BY P.L.1-2005, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended;

commits ~~the offense described in section 9 of this chapter.~~ **a Class A infraction.**

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 53. IC 9-21-12-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. Whenever a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or other school related activities, all markings on the school bus indicating "school bus" shall be covered or concealed.~~

SECTION 54. IC 9-21-12-5, AS AMENDED BY P.L.8-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) This section does not apply to the following:

(1) A street railway grade crossing within a business or residence district.

(2) Abandoned or unused railroad grade crossings that are:

(A) designated by the Indiana department of transportation under IC 8-6-15-2; and

(B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.

(b) A person who drives:

(1) a motor vehicle, **not including a school or private bus,** carrying passengers for hire;

(2) a school or private bus that is carrying passengers; or

(3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail of the railroad.

(c) While stopped in accordance with subsection (b), the person shall do the following:

(1) Listen through an open window or door.

(2) Look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment.

(3) Not proceed until the person can proceed safely.

After stopping, the person shall cross only in a gear of the vehicle so there will be no necessity for changing gears while traversing the crossing. The person who drives the vehicle may not shift gears while crossing the track or tracks.

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

(e) Except as provided in subsection (f), a person who violates this section commits a Class C infraction.

(f) A person who knowingly or intentionally violates subsection (b)(2) commits a Class B misdemeanor.

SECTION 55. IC 9-21-12-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 6. A street car or vehicle may not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or street car track to be used at a fire or alarm of fire without the consent of the fire department official in command.~~

SECTION 56. IC 9-21-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. **(a)** A person who drives a vehicle that is not on official business **for the state, a unit of government, a fire department, including a volunteer fire department, a law enforcement agency, or an emergency**

ambulance service may not do any of the following:

(1) Follow any fire apparatus traveling in response to a fire alarm at a distance closer than five hundred (500) feet.

(2) Drive into or park a vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) A person who violates this section commits a Class C infraction.

SECTION 57. IC 9-21-12-9 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction. A person who violates section 2 of this chapter commits a Class C misdemeanor.~~

SECTION 58. IC 9-21-12-11 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 11. (a) A person who violates section 5, 6, 7, or 19 of this chapter commits a Class C infraction.~~

~~(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.~~

~~(c) A person described in section 18(b), 18(c), or 18(d) of this chapter commits a Class B infraction.~~

SECTION 59. IC 9-21-12-12 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 12. When a school bus is operated on a highway, the driver shall load and unload a student as close as practical to the right-hand curb or edge of the roadway.~~

SECTION 60. IC 9-21-12-13, AS ADDED BY P.L.1-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. (a) Except:

(1) as provided in subsection (b); or

(2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

(c) A school bus driver who knowingly or intentionally violates

subsection (a) commits a Class C misdemeanor.

SECTION 61. IC 9-21-12-14, AS ADDED BY P.L.1-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. Before a driver changes the direction of a school bus, the driver shall use a directional signal to indicate the change at least one hundred (100) feet before the driver turns. **A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.**

SECTION 62. IC 9-21-12-15, AS ADDED BY P.L.1-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. **(a)** The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway to load or unload a student.

(b) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 63. IC 9-21-12-16, AS ADDED BY P.L.1-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. **(a)** When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

(1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and

(2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

(b) A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.

SECTION 64. IC 9-21-12-17 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:~~

~~(1) listen through an open door;~~

~~(2) look in both directions along the track for an approaching train or other on-track equipment; and~~

~~(3) look for signals indicating the approach of a train or other on-track equipment.~~

~~The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.~~

~~(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.~~

~~(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.~~

SECTION 65. IC 9-21-12-18, AS ADDED BY P.L.107-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. (a) Whenever a school bus or special purpose bus is ~~at a place of departure for~~ transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

(1) inhibits or obstructs an exit; or

(2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) ~~is subject to section 11(c) of this chapter.~~ **commits a Class C misdemeanor.**

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) ~~is subject to section 11(c) of this chapter.~~ **commits a Class C misdemeanor.**

~~(d) A school corporation or an entity that employs:~~

~~(1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or~~

~~(2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);~~

~~is subject to section 11(c) of this chapter.~~

SECTION 66. IC 9-22-3-7, AS AMENDED BY P.L.93-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. **(a)** A business that is registered with the secretary of state as a dealer under IC 9-23 may reassign a certificate of salvage title one (1) time without applying to the bureau for the

issuance of a new certificate of salvage title.

(b) A business that violates this section commits a Class A infraction.

SECTION 67. IC 9-22-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. **(a)** If a salvage motor vehicle has been flood damaged, extensively burned, vandalized, or severely wrecked so that one (1) or more component parts are required to restore the motor vehicle to an operable condition, the person or business that restored the motor vehicle must furnish, on an affidavit of restoration for a salvage motor vehicle form, the name, identification number, and source of all component parts that were included in the restoration of the vehicle. The affidavit must be attached to the certificate of salvage title and be submitted to the bureau upon application by a person for a certificate of title for the vehicle.

(b) A person or business that violates this section commits a Class A infraction.

SECTION 68. IC 9-22-3-31, AS AMENDED BY P.L.158-2013, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 31. A person who knowingly **or intentionally** possesses, buys, sells, exchanges, gives away, or offers to buy, sell, exchange or give away a manufacturer's identification plate or serial plate that has been removed from a motor vehicle, motorcycle, semitrailer, or recreational vehicle that is a total loss or salvage commits a Level 6 felony.

SECTION 69. IC 9-22-3-33 AS AMENDED BY P.L.92-2013, SECTION 49, AND AS AMENDED BY P.L.158-2013, SECTION 151, IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 33. *(a)* A person who *recklessly,* knowingly, *or intentionally* violates section 4, 5, 6, 7, or 8 of this chapter (or section 9 of this chapter before its repeal) commits a *Class D Level 6* felony.~~

~~*(b) A person who recklessly, knowingly, or intentionally violates section 18.5 or 30 of this chapter commits a Class A misdemeanor.*~~

SECTION 70. IC 9-22-5-18, AS ADDED BY P.L.224-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. **(a)** Before a person sells a vehicle to, gives a vehicle to, or disposes of a vehicle with an automobile scrapyard, the person shall give the automobile scrapyard:

(1) a certificate of authority for the vehicle that:

(A) is issued by the bureau under this chapter; and

(B) authorizes the scrapping or dismantling of the vehicle; or

(2) a certificate of title for the vehicle issued by the bureau under IC 9-17-3.

(b) A person who knowingly or intentionally violates this section commits a Class C misdemeanor.

SECTION 71. IC 9-22-5-18.2, AS ADDED BY P.L.92-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18.2. (a) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor may purchase a motor vehicle without a certificate of title for the motor vehicle if:

(1) the motor vehicle is at least fifteen (15) model years old;

(2) the purchase is solely for the purpose of dismantling or wrecking the motor vehicle for the recovery of scrap metal or the sale of parts; and

(3) the disposal facility or scrap metal processor records all purchase transactions of vehicles as required in subsection (b).

(b) A disposal facility or scrap metal processor shall maintain the following information with respect to each motor vehicle purchase transaction to which the disposal facility or scrap metal processor is a party for at least two (2) years following the date of the purchase transaction:

(1) The name and address of any secondary metals recycler or salvage yard.

(2) The name, initials, or other identifying symbol of the person entering the information.

(3) The date of the purchase transaction.

(4) A description of the motor vehicle that is the subject of the purchase transaction, including the make and model of the motor vehicle, if practicable.

(5) The vehicle identification number of the motor vehicle.

(6) The amount of consideration given for the motor vehicle.

(7) A written statement signed by the seller or the seller's agent certifying that the seller or the seller's agent has the lawful right to sell and dispose of the motor vehicle.

(8) The name and address of the person from whom the motor

vehicle is being purchased.

(9) A photocopy or electronic scan of one (1) of the following forms of identification issued to the seller or the seller's agent:

(A) A current and valid driver's license.

(B) An identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government.

(C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, a disposal facility or scrap metal processor is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(c) A disposal facility or scrap metal processor may not complete a purchase transaction in the absence of the information required under subsection (b)(9).

(d) A disposal facility, a scrap metal processor, or an agent of a disposal facility or scrap metal processor that knowingly **or** intentionally ~~or recklessly~~ buys a motor vehicle that is less than fifteen (15) model years old without a certificate of title for the motor vehicle commits a ~~Class D~~ **Level 6** felony.

SECTION 72. IC 9-22-5-19, AS ADDED BY P.L.224-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 19. A person who knowingly or intentionally

~~(1) violates section 18 of this chapter; or~~

~~(2)~~ purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining a certificate of authority described in section ~~18(1)~~ **18(a)(1)** of this chapter or a certificate of title issued by the bureau under IC 9-17-3 from the person who sells, gives away, or disposes of the vehicle;

commits a Class B misdemeanor.

SECTION 73. IC 9-22-6-1, AS AMENDED BY P.L.262-2013, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) An individual, a firm, a limited liability company, or a corporation engaged in the business of storing, furnishing supplies for, providing towing services for, or

repairing motor vehicles, trailers, semitrailers, or recreational vehicles shall obtain the name and address of the person that owns a motor vehicle, trailer, semitrailer, or recreational vehicle that is left in the custody of the individual, firm, limited liability company, or corporation for storage, furnishing of supplies, or repairs at the time the vehicle is left.

(b) The individual, firm, limited liability company, or corporation shall record in a book the following information concerning the vehicle described in subsection (a):

(1) The name and address of the person that owns the vehicle.

(2) The license number of the vehicle.

(3) The date on which the vehicle was left.

(c) The book shall be provided and kept by the individual, firm, limited liability company, or corporation and must be open for inspection by an authorized police officer of the state, a city, or a town or by the county sheriff.

(d) If a motor vehicle, trailer, semitrailer, or recreational vehicle is stored by the week or by the month, only one (1) entry on the book is required for the time during which the vehicle is stored.

(e) A person who violates this section commits a Class A infraction.

SECTION 74. IC 9-22-6-2, AS ADDED BY P.L.125-2012, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

not later than thirty (30) days after the date on which the vehicle is left in or comes into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold earlier than fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien must notify the person that owns the vehicle and any other person that holds a lien of record at the person's last known address by certified mail, return receipt requested, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder. A person that holds a mechanic's lien under this section

may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section may deduct and retain the amount of the mechanic's lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that owns the vehicle if the person's address or whereabouts are known. If the address or whereabouts of the person that owns the vehicle are not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person that holds the mechanic's lien has a place of business for the use and benefit of the person that owns the vehicle.

(i) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).

(5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(j) A person who violates this section commits a Class A infraction.

SECTION 75. IC 9-22-6-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. A person that knowingly, intentionally, or recklessly violates section 1 or 2 of this chapter commits a Class A misdemeanor.~~

SECTION 76. IC 9-24-1-6, AS AMENDED BY P.L.125-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Except as provided in subsection (b) or as otherwise provided in this article, an individual must hold a valid commercial driver's license to drive a commercial motor vehicle upon an Indiana highway.

(b) Subsection (a) does not apply if the individual:

(1) holds a valid driver's license of any type;

(2) is enrolled in a commercial motor vehicle training course approved by the bureau; and

(3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

(c) A person who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 77. IC 9-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. ~~(a)~~ Except as provided in ~~subsection (b),~~ **section 6 of this chapter,** a person who violates this chapter commits a Class C infraction.

~~(b) A person who violates section 6 of this chapter commits a Class C misdemeanor.~~

SECTION 78. IC 9-24-2-4, AS AMENDED BY P.L.85-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal, suspend the person's driving privileges until the earliest of the following:

(1) The person becomes eighteen (18) years of age.

(2) One hundred twenty (120) days after the person is suspended.

(3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-33-8.

(b) The bureau shall promptly mail a notice to the person's last known address that states the following:

(1) That the person's driving privileges will be suspended for a specified period commencing five (5) days after the date of the notice.

(2) That the person has the right to appeal the suspension of the driving privileges.

(c) If an aggrieved person believes that:

(1) the information provided was technically incorrect; or

(2) the bureau committed a technical or procedural error;

the aggrieved person may appeal the invalidation of a license under section 5 of this chapter.

(d) If a person satisfies the conditions for reinstatement of a license under this section, the person may submit to the bureau for review the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon reviewing and certifying the information received under subsection (d), the bureau shall reinstate the person's driving privileges.

(f) A person may not operate a motor vehicle in violation of this section.

(g) A person whose driving privileges are suspended under this section is eligible to apply for ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15.~~ **IC 9-30-16.**

(h) The bureau shall reinstate the driving privileges of a person whose driving privileges were suspended under this section if the person does the following:

(1) Establishes to the satisfaction of the principal of the school where the action occurred that caused the suspension of the driving privileges that the person has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

SECTION 79. IC 9-24-2-5, AS AMENDED BY P.L.125-2012, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) A person whose driving privileges have been suspended under section 4 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person resides; or

(2) the school attended by the person is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that due to the person's emancipation or dependents that an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the person from school, including affording the person due process under IC 20-33-8.

(2) Whether the bureau followed proper procedures in suspending the person's driving privileges.

~~(3) Whether an undue hardship exists that requires the granting of restricted driving privileges under IC 9-24-15.~~

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the person from school; or

(2) that the bureau failed to follow proper procedures in suspending the person's driving privileges;

the court may order the bureau to reinstate the person's driving privileges.

~~(e) If the court finds that an undue hardship exists, and the person otherwise qualifies under IC 9-24-15, the court may order restricted driving privileges limiting the petitioner to essential driving for work and driving between home, work, and school only. The restricted driving privileges must state the restrictions related to time, territory, and route. If a court orders restricted driving privileges for the petitioner, the court shall do the following:~~

~~(1) Include in the order a finding of facts that states the petitioner's driving restrictions.~~

~~(2) Enter the findings of fact and order in the order book of the court.~~

~~(3) Send the bureau a signed copy of the order.~~

~~(f)~~ **(e)** The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

~~(g)~~ **(f)** In an action under this section the petitioner has the burden of proof by a preponderance of the evidence.

~~(h)~~ **(g)** The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

SECTION 80. IC 9-24-3-4, AS AMENDED BY P.L.125-2012, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. To receive an operator's license, an individual must surrender to the bureau any and all driver's licenses or identification cards issued **under IC 9-24** to the individual by Indiana or any other jurisdiction.

SECTION 81. IC 9-24-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. Except as provided in ~~sections 16 and~~ **section** 17 of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 82. IC 9-24-8-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 6. In addition to any other penalty, the bureau:~~

~~(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~

~~(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction.~~

SECTION 83. IC 9-24-11-4, AS AMENDED BY P.L.85-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) An individual may not have more than one (1) driver's license or identification card **issued under IC 9-24** at a time.

(b) An individual may not hold a driver's license and an identification card **issued under IC 9-24** at the same time.

(c) A person who violates subsection (a) or (b) commits a Class C infraction.

SECTION 84. IC 9-24-11-8, AS AMENDED BY P.L.158-2013, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. ~~(a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.~~

~~(b)~~ **(a)** A person who:

(1) has been issued a permit or license on which there is a printed or stamped restriction as provided under section 7 of this chapter; and

(2) operates a motor vehicle in violation of the restriction;

commits a Class C ~~misdemeanor.~~ **infraction.** ~~The license of a person who violates this subsection may be suspended in the manner provided for the suspension or revocation of an operator's license.~~

~~(c)~~ **(b)** A person who causes serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted license under section 7 of this chapter, commits a Class A misdemeanor. However, the offense is a Level 6 felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this subsection.

~~(d)~~ **(c)** A person who violates subsection ~~(c)~~ **(b)** commits a separate offense for each person whose serious bodily injury or death is caused by the violation of subsection ~~(c).~~ **(b).**

SECTION 85. IC 9-24-11-10, AS AMENDED BY P.L.85-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) In addition to any other penalty imposed for a conviction under section ~~8(c)~~ **8(b)** of this chapter, the court ~~shall~~ **may** recommend that the person's driving privileges be suspended for a fixed period of ~~at least ninety (90) days and~~ not more than two (2) years **and the court may also order specialized driving privileges under IC 9-30-16.**

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court ~~makes a recommendation~~ **issues an order** under subsection (a). ~~If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum~~

~~term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

SECTION 86. IC 9-24-11-11 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 11. The bureau shall, upon receiving a record of conviction of a person under section 8(c) of this chapter, set a period of suspension for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 10 of this chapter. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

SECTION 87. IC 9-24-15 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. (Issuance of Restricted Driver's License Because of Hardship).

SECTION 88. IC 9-24-16-12, AS AMENDED BY P.L.158-2013, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. ~~(a)~~ A person who:

(1) knowingly permits the use of an identification card issued under this chapter by a person other than the person to whom the card was issued;

(2) knowingly displays or represents as the person's own identification card issued under this chapter an identification card that was not issued to the person displaying the card; **or**

(3) does not surrender, upon demand of the proper official, an identification card issued under this chapter that has become invalid or expired; ~~or~~

~~(4) knowingly sells, offers to sell, buys, possesses, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau;~~

commits a ~~Class B~~ **Class C** misdemeanor.

~~(b) A person who:~~

~~(1) knowingly or intentionally uses false information in an application:~~

~~(A) for an identification card issued under this chapter; or~~

~~(B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or~~

~~(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;~~

~~commits application fraud, a Level 6 felony.~~

SECTION 89. IC 9-24-16-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 12.5. (a) A person who knowingly sells, offers to sell, buys, produces, forges, counterfeits, or offers a false identification card that could reasonably be mistaken for a valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau commits a Class B misdemeanor.**

(b) A person who:

(1) knowingly or intentionally uses false information in an application:

(A) for an identification card issued under this chapter; or

(B) for a renewal, amendment, or replacement of an identification card issued under this chapter; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter;

commits application fraud, a Level 6 felony.

SECTION 90. IC 9-24-16-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13. A person who forges or reproduces an identification card issued under this chapter:~~

~~(1) with intent to use the card; or~~

~~(2) so that the card may be used by another person;~~

~~commits a Class B misdemeanor.~~

SECTION 91. IC 9-24-18-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 0.5. If a court suspends or revokes a person's driving privileges under this title, the court shall inform the bureau of the action in a format designated by the bureau.**

SECTION 92. IC 9-24-18-1, AS AMENDED BY P.L.85-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor

vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

~~(b) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person be prohibited from receiving a valid driving license for a fixed period of at least ninety (90) days and not more than two (2) years.~~

~~(c) The court shall specify:~~

~~(1) the length of the fixed period of the prohibition; and~~

~~(2) the date the fixed period of the prohibition begins;~~

~~whenever the court makes a recommendation under subsection (b).~~

~~(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of operating a motor vehicle while never having received a valid driving license, prohibit the person from receiving a driving license by placing a suspension of driving privileges on the person's record for a fixed period of at least ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in subsection (c). If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

~~(e)~~ **(b)** In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driver's license or permit that was valid at the time of the alleged offense.

SECTION 93. IC 9-24-18-7 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 7. A person who counterfeits or falsely reproduces a driver's license with intent to use the license or to permit another person to use the license commits a Class B misdemeanor.~~

SECTION 94. IC 9-24-18-8 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:~~

~~(1) uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use,~~

~~or possession of alcoholic beverages; or~~

~~(2) is convicted of the offenses listed in IC 7.1-5-7-1(b) or IC 7.1-5-7-10.~~

~~(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.~~

SECTION 95. IC 9-24-18-9, AS AMENDED BY P.L.85-2013, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The bureau may establish a driving record for an Indiana resident who does not hold any type of valid driving license. The driving record shall be established for an unlicensed driver when the bureau receives an abstract of court conviction for the type of conviction that would appear on an official driver's record.

(b) If an unlicensed driver applies for and receives any type of driver's license in Indiana, the person's driving record as an unlicensed driver shall be recorded on the permanent record file. ~~An unlicensed driver who has had at least two (2) traffic violation convictions in Indiana within twenty-four (24) months before applying for any type of driver's license may not be issued a license within one (1) year after the date of the second traffic conviction as indicated on the abstract of court conviction record. If the bureau issues a license without knowledge of the second conviction, the bureau shall suspend the license for one (1) year upon learning of the second conviction and notify the person of the reason for the suspension and the term of the suspension.~~

(c) The bureau shall also certify traffic violation convictions on the driving record of an unlicensed driver who subsequently receives an Indiana driver's license.

SECTION 96. IC 9-24-18-12 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 12. Upon receipt of a court order under IC 7.1-5-7-7 (minor possessing, consuming, or transporting alcohol or having alcohol present in a bodily substance), the bureau shall suspend the minor's driving privileges for the period ordered by the court. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under IC 7.1-5-7.~~

SECTION 97. IC 9-24-19-1, AS AMENDED BY P.L.42-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. Except as provided in sections 2 **and** 3 ~~and 4~~ of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction.

SECTION 98. IC 9-24-19-3, AS AMENDED BY P.L.114-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **(a)** A person who operates a motor vehicle upon a highway when the person knows that the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215) commits a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a:

(1) Level 6 felony if the operation of the motor vehicle results in bodily injury; or

(2) Level 5 felony if the operation of the motor vehicle results in the death of another person.

SECTION 99. IC 9-24-19-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. (a) A person who violates section 3 of this chapter commits a Level 6 felony if the operation results in bodily injury or serious bodily injury.~~

~~(b) A person who violates section 3 of this chapter commits a Level 5 felony if the operation results in the death of another person.~~

SECTION 100. IC 9-24-19-5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 5. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.~~

~~(b) The court shall specify:~~

~~(1) the length of the fixed period of suspension; and~~

~~(2) the date the fixed period of suspension begins;~~

~~whenever the court makes a recommendation under subsection (a).~~

~~(c) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If~~

~~the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~

SECTION 101. IC 9-25-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 0.5. If a court orders the suspension of a person's driving privileges, the bureau shall suspend the person's driving privileges in accordance with the court order, even if the court's order conflicts with a previous bureau action.**

SECTION 102. IC 9-25-6-18 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 18. A person who:~~

~~(1) forges or without authority signs or approves any certificate to serve as proof of financial responsibility as required by the bureau; or~~

~~(2) knowingly files or offers for filing a certificate described in subdivision (1);~~

~~commits a Class B misdemeanor.~~

SECTION 103. IC 9-26-1-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. Except as provided in section 1.5 of this chapter, the driver of a motor vehicle involved in an accident that results in the injury or death of a person or the entrapment of a person in a vehicle shall do the following:~~

~~(1) Immediately stop the driver's motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.~~

~~(2) Immediately return to and remain at the scene of the accident until the driver does the following:~~

~~(A) Gives the driver's name and address and the registration number of the motor vehicle the driver was driving.~~

~~(B) Upon request, exhibits the driver's license of the driver to the following:~~

~~(i) The person struck.~~

~~(ii) The driver or occupant of or person attending each vehicle involved in the accident.~~

~~(C) Subject to section 1.5(a) of this chapter, determines the need for and renders reasonable assistance to each person~~

~~injured or entrapped in the accident, including the removal of, or the making of arrangements for the removal of:~~

~~(i) each injured person from the scene of the accident to a physician or hospital for medical treatment; and~~

~~(ii) each entrapped person from the vehicle in which the person is entrapped.~~

~~(3) Subject to section 1.5(b) of this chapter, immediately give notice of the accident by the quickest means of communication to one (1) of the following:~~

~~(A) The local police department, if the accident occurs within a municipality.~~

~~(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.~~

SECTION 104. IC 9-26-1-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:**

(1) Either:

(A) immediately stop the operator's motor vehicle:

(i) at the scene of the accident; or

(ii) as close to the accident as possible in a manner that does not obstruct traffic more than is necessary; or

(B) remain at the scene of the accident until the operator does the following:

(i) Gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.

(ii) Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(2) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivision (1):

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and

(B) immediately give notice of the accident by the quickest

means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(3) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivision (1):

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, do the following:

(i) Notify either the sheriff's department of the county in which the damaged vehicle or property is located or a member of the state police department.

(ii) Give the sheriff's department or the state police department the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5).

SECTION 105. IC 9-26-1-1.5, AS AMENDED BY P.L.125-2012, SECTION 293, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1.5. (a) If:

(1) the ~~driver~~ **operator** of a motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section ~~1(2)(C)~~ **1.1(a)(2)** of this chapter;

(2) there is another occupant in the motor vehicle at the time of the accident who is:

(A) at least:

(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or

(ii) eighteen (18) years of age; and

(B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section ~~1(2)(C)~~ **1.1(a)(2)** of this chapter; and

(3) the other occupant in the motor vehicle knows that the ~~driver~~ **operator** of the motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person;

the motor vehicle occupant referred to in subdivisions (2) and (3) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section ~~1(2)(C)~~ **1.1(a)(2)** of this chapter.

~~(b) If:~~

~~(1) the driver of a motor vehicle is physically incapable of giving immediate notice of an accident as required under section 1(3) of this chapter;~~

~~(2) there is another occupant in the motor vehicle at the time of the accident who is:~~

~~(A) at least:~~

~~(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or~~

~~(ii) eighteen (18) years of age; and~~

~~(B) capable of giving notice as provided in section 1(3) of this chapter; and~~

~~(3) the other occupant in the motor vehicle knows that the driver of the motor vehicle is physically incapable of giving immediate notice of an accident;~~

~~the motor vehicle occupant referred to in subdivisions (2) and (3) shall immediately give notice of the accident by the quickest means of communication as provided in section 1(3) of this chapter.~~

~~(c)~~ **(b)** If there is more than one (1) motor vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) motor vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the motor vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

~~(d) If there is more than one (1) motor vehicle occupant to whom subsection (b) applies, it is a defense to a prosecution of one (1) motor vehicle occupant under subsection (b) that the defendant reasonably believed that another occupant of the motor vehicle gave the notice required under subsection (b).~~

SECTION 106. IC 9-26-1-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. The driver of a motor vehicle involved in an accident that does not result in injury or death of a person or the entrapment of a person in a motor vehicle and that does not involve the transportation of hazardous materials but that does result in damage to a vehicle that is driven or attended by a person shall do the following:~~

~~(1) Immediately stop the motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. If the accident occurs on a federal interstate highway, or on a ramp providing access to or from a federal interstate highway, the driver shall, as soon as safely possible, move the motor vehicle off the highway or ramp to a location as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.~~

~~(2) Immediately return to and remain at the scene of the accident until the driver does the following upon request:~~

~~(A) Gives the driver's name and address and the registration number of the motor vehicle the driver was driving.~~

~~(B) Gives the names and addresses of the owner and any occupants of the motor vehicle the driver was driving, if the names or addresses are different from the name and address~~

~~provided under clause (A).~~

~~(C) Provides proof of financial responsibility (as defined in IC 9-25-2-3) for the motor vehicle.~~

~~(D) Exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.~~

SECTION 107. IC 9-26-1-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. The driver of a motor vehicle that collides with an unattended vehicle shall immediately stop and do one (1) of the following:~~

~~(1) Locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the motor vehicle striking the unattended vehicle.~~

~~(2) Leave in a conspicuous place on the vehicle struck a written notice giving the name and address of the driver and the owner of the motor vehicle doing the striking and a statement of the circumstances of the accident.~~

SECTION 108. IC 9-26-1-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. (a) The driver of a motor vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:~~

~~(1) Immediately stop the motor vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.~~

~~(2) Immediately return to and remain at the scene of the accident until the driver does the following:~~

~~(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.~~

~~(B) Gives the person the driver's name and address and the registration number of the motor vehicle.~~

~~(C) Upon request, exhibits the driver's license of the driver.~~

~~(b) If after reasonable inquiry the driver of the motor vehicle cannot find the owner or person in charge of the damaged property, the driver of the motor vehicle shall do the following:~~

~~(1) Notify either the sheriff's department of the county in which the damaged property is located or a member of the state police department.~~

~~(2) Give the sheriff's department or state police department the~~

~~information required by this section.~~

SECTION 109. IC 9-26-1-8 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 8. (a) A person who knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:~~

~~(1) a Level 6 felony if:~~

~~(A) the accident involves serious bodily injury to a person; or~~

~~(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);~~

~~(2) a Level 5 felony if the accident involves the death of a person; and~~

~~(3) a Level 4 felony if the person knowingly or intentionally fails to stop or comply with section 1(1) or 1(2) of this chapter after committing operating while intoxicated causing serious bodily injury (IC 9-30-5-4).~~

~~(b) A person who knowingly or intentionally fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor.~~

SECTION 110. IC 9-26-1-9 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 9. A person who intentionally, knowingly, or recklessly violates section 1(3), 1.5, 2(1), or 2(2) of this chapter commits a Class C misdemeanor.~~

SECTION 111. IC 9-26-6-0.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 0.5. Section 1 of this chapter applies to a person removing a wrecked or damaged golf cart or off-road vehicle from a street or highway.~~

SECTION 112. IC 9-26-6-1, AS AMENDED BY P.L.125-2012, SECTION 302, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. A person removing a wrecked or damaged motor vehicle, **including a wrecked or damaged golf cart or off-road vehicle,** from a street or highway must remove any glass or other foreign material dropped upon the street or highway from the motor vehicle.

SECTION 113. IC 9-26-6-2, AS AMENDED BY P.L.125-2012, SECTION 303, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) This section does not

apply to the removal of a motor vehicle that constitutes a traffic hazard.

(b) The ~~driver~~ **operator** of a motor vehicle that is used to remove a motor vehicle that caused damage to real or personal property, except a motor vehicle of another person as described in ~~IC 9-26-1-4,~~ **IC 9-26-1-1.1,** shall give the notification required by ~~IC 9-26-1-4~~ **IC 9-26-1-1.1** before removing the motor vehicle that caused the damage.

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 114. IC 9-26-6-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. A person who violates section 2 of this chapter commits a Class B misdemeanor.~~

SECTION 115. IC 9-26-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A law enforcement officer may, without a warrant, arrest a person for a violation of ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4~~ **IC 9-26-1-1.1** if the law enforcement officer has ~~reasonable~~ **probable** cause to believe that the violation was committed by the person.

SECTION 116. IC 9-28-2-9, AS AMENDED BY P.L.125-2012, SECTION 306, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the bureau shall take appropriate action against a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

(b) The bureau shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's driving privileges suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the bureau meets the conditions of due notice.

(c) The driver has fifteen (15) days from the date of notice to satisfy the conditions of the citation issued by the jurisdiction or to request a hearing before a bureau hearing officer to show evidence or present information why the bureau should not suspend the driver's driving privileges for failure to meet the terms of the citation.

(d) Upon holding the hearing, the bureau may suspend the driver's driving privileges until the conditions of the citation are met or a

release from the citing jurisdiction is obtained.

(e) If the bureau does not receive information from the driver concerning the notification, the bureau shall suspend the driver's driving privileges until the conditions of the citation are met or a release is obtained.

~~(f) A driver whose driving privileges have been suspended for failure to meet the conditions of a citation is not eligible for a hardship license under IC 9-24-15.~~

~~(g)~~ **(f)** The bureau may not suspend driving privileges under this section for a nonmoving traffic offense occurring in another jurisdiction.

SECTION 117. IC 9-29-1-2, AS AMENDED BY P.L.259-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3
IC 9-29-5 (excluding fees under IC 9-29-5-44)
IC 9-29-9-1
IC 9-29-9-2
IC 9-29-9-3
IC 9-29-9-4
IC 9-29-9-5
IC 9-29-9-7
IC 9-29-9-8
IC 9-29-9-9
IC 9-29-9-11

IC 9-29-9-13
~~IC 9-29-9-14~~
IC 9-29-15-1
IC 9-29-15-2
IC 9-29-15-3
IC 9-29-15-4
IC 9-29-17-1
IC 9-29-17-2
IC 9-29-17-3
IC 9-29-17-4.

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section before July 1, 2007, with respect to the fee must be:

(1) collected by the bureau notwithstanding the elimination of the underlying fee;

(2) collected in addition to all other fees collected at the time of the underlying transaction; and

(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.

However, this subsection does not apply to a fee imposed under IC 9-29-5-14, IC 9-29-5-14.5, IC 9-29-5-15, or IC 9-29-5-39, which were repealed by legislation enacted in 2013.

SECTION 118. IC 9-29-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. The fee for a ~~restricted~~ **specialized** driving **privilege** permit issued under IC 9-24-15 is ten dollars ($10).

SECTION 119. IC 9-30-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. A law enforcement officer may, without a warrant, arrest a person in case of violations of:

(1) ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4;~~ **IC 9-26-1-1.1;** and

(2) IC 9-30-5 if the violation of IC 9-30-5 is coupled with an

accident;

when the law enforcement officer has ~~reasonable~~ **probable** cause to believe that the violation was committed by the person. The procedure prescribed in this section is not the only method prescribed by law for the arrest and prosecution of a person for an offense of similar grade.

SECTION 120. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b),** the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a).

SECTION 121. IC 9-30-4-3, AS AMENDED BY P.L.125-2012, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section ~~1 or~~ 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion County circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 122. IC 9-30-4-6, AS AMENDED BY P.L.85-2013,

SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Whenever the bureau suspends or revokes the current driver's license or driving privileges upon receiving a record of the conviction of a person for any offense under the motor vehicle laws, ~~not enumerated under subsection (b),~~ the bureau may also suspend any of the certificates of registration and license plates issued for any motor vehicle registered in the name of the person so convicted. However, the bureau may not suspend the evidence of registration, unless otherwise required by law, if the person has given or gives and maintains during the three (3) years following the date of suspension or revocation proof of financial responsibility in the future in the manner specified in this section.

(b) The bureau shall suspend or revoke ~~without notice or hearing~~ the current driver's license or driving privileges and all certificates of registration and license plates issued or registered in the name of a person who is convicted of any of the following:

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

~~(3) A felony under Indiana motor vehicle laws or felony in the commission of which a motor vehicle is used.~~

~~(4)~~ **(3)** Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

~~(5)~~ **(4)** Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

~~(6) Possession, distribution, manufacture, cultivation, transfer, use, or sale of a controlled substance or counterfeit substance, or attempting or conspiring to possess, distribute, manufacture, cultivate, transfer, use, or sell a controlled substance or counterfeit substance.~~

(c) The **bureau shall suspend a** driver's license or driving privileges of a person ~~shall also be suspended~~ upon conviction in another jurisdiction for ~~any offense described in subsection (b)(1),~~

~~(b)(2), (b)(3), (b)(4), and (b)(5),~~ **the following:**

(1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle.

(2) Perjury or knowingly making a false affidavit to the department under this chapter or any other law requiring the registration of motor vehicles or regulating motor vehicle operation upon the highways.

(3) Three (3) charges of criminal recklessness involving the use of a motor vehicle within the preceding twelve (12) months.

(4) Failure to stop and give information or assistance or failure to stop and disclose the person's identity at the scene of an accident that has resulted in death, personal injury, or property damage in excess of two hundred dollars ($200).

~~except~~ **However,** if property damage is less than two hundred dollars ($200), the bureau may determine whether the driver's license or driving privileges and certificates of registration and license plates shall be suspended or revoked. ~~The license of a person shall also be suspended upon conviction in another jurisdiction for any offense described in subsection (b)(6).~~

(d) A person whose driving privileges are suspended under this chapter is eligible for specialized driving privileges under IC 9-30-16.

~~(d)~~ **(e)** A suspension or revocation remains in effect and a new or renewal license may not be issued to the person and a motor vehicle may not be registered in the name of the person as follows:

(1) Except as provided in ~~subdivisions~~ **subdivision** (2), ~~(3), (4), and (5), and subject to section 6.5 of this chapter,~~ for six (6) months from the date of conviction or on the date on which the person is otherwise eligible for a license, whichever is later. ~~Except as provided in IC 35-48-4-15, this includes a person convicted of a crime for which the person's driving privilege or driver's license is suspended or revoked under subsection (b)(6).~~

(2) ~~Subject to section 6.5 of this chapter,~~ Upon conviction of an offense described in subsection (b)(1) **or (c)(1), or (b)(4) or (c)(4) when the accident has resulted in death,** for a fixed period of not less than two (2) years and not more than five (5) years, to be fixed by the bureau based upon recommendation of

the court entering a conviction. ~~If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this chapter.~~ A new or reinstated driver's license or driving privileges may not be issued to the person unless that person, within the three (3) years following the expiration of the suspension or revocation, gives and maintains in force at all times during the effective period of a new or reinstated license proof of financial responsibility in the future in the manner specified in this chapter. However, the liability of the insurance carrier under a motor vehicle liability policy that is furnished for proof of financial responsibility in the future as set out in this chapter becomes absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage is not a condition precedent to the right or obligation of the carrier to make payment on account of loss or damage, but the insurance carrier has the right to settle a claim covered by the policy. If the settlement is made in good faith, the amount shall be deductive from the limits of liability specified in the policy. A policy may not be canceled or annulled with respect to a loss or damage by an agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and a cancellation or annulment is void. The policy may provide that the insured or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

~~(3) Subject to section 6.5 of this chapter, for the period ordered by~~

~~a court under IC 35-48-4-15.~~

~~(4) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44.1-3-1(b) and the person:~~

~~(A) exceeded the speed limit by at least twenty (20) miles per hour;~~

~~(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or~~

~~(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));~~

~~while committing the felony, for one (1) year after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the one (1) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.~~

~~(5) Subject to section 6.5 of this chapter, if the person is convicted of a felony involving the use of a motor vehicle under IC 35-44.1-3-1(b), the person:~~

~~(A) exceeded the speed limit by at least twenty (20) miles per hour;~~

~~(B) committed criminal recklessness with a vehicle (IC 35-42-2-2); or~~

~~(C) engaged in aggressive driving (as defined in IC 9-21-8-55(b));~~

~~while committing the felony, and the person has a prior unrelated conviction for a felony under IC 35-44.1-3-1(b), for two (2) years after the date the person was convicted. The convicted person has the burden of applying for a new or renewal license and establishing that the two (2) year period described in this subdivision and subject to section 6.5 of this chapter has elapsed.~~

~~(e)~~ **(f)** The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

~~(f)~~ **(g)** For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

~~(g)~~ **(h)** A suspension or revocation under this section or under IC 9-30-13-0.5 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

~~(h)~~ **(i)** A person aggrieved by an order or act of the bureau under this section or IC 9-30-13-0.5 may file a petition for a court review.

SECTION 123. IC 9-30-4-7 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 7. (a) A person whose:~~

~~(1) driver's license; or~~

~~(2) certificate of registration or license plate;~~

~~has been suspended or revoked and has not been reinstated shall immediately return the driver's license, certificate of registration, and license plate to the bureau. A person who knowingly fails to comply with this requirement commits a Class C misdemeanor.~~

~~(b) The bureau may:~~

~~(1) take possession of a license, certificate of registration, or license plate upon the suspension or revocation; or~~

~~(2) direct a law enforcement officer to take possession and return the license, certificate, or license plate to the office of the bureau.~~

~~(c) All law enforcement officers are authorized as agents of the bureau to seize the license, certificate of registration, and license plate of a person who fails to surrender the license, certificate, or license plate. A law enforcement officer shall notify the bureau of the seizure.~~

SECTION 124. IC 9-30-4-8, AS AMENDED BY P.L.125-2012, SECTION 332, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. ~~(a)~~ A person whose certificate of registration has been suspended or revoked, with restoration or the issuance of a new certificate being contingent upon

the furnishing of proof of financial responsibility, and who, during the suspension or revocation or in the absence of full authorization from the bureau, operates the motor vehicle upon a highway or knowingly permits the motor vehicle to be operated by another person upon a highway except as permitted under this chapter commits a Class C misdemeanor.

~~(b) A person with restricted driving privileges who operates a motor vehicle upon a highway in violation of the terms and conditions specified for the restricted driving privileges commits a Class C misdemeanor.~~

SECTION 125. IC 9-30-5-10, AS AMENDED BY P.L.85-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter, IC 35-46-9, or IC 14-15-8 (before its repeal), the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) If the person:

(1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or

(2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least ninety (90) days but~~ not more than two (2) years.

(c) If the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least one hundred eighty (180) days but~~ not more than two (2) years. The court may stay the execution of ~~that~~ part of the suspension ~~that exceeds the minimum period of suspension~~ and grant the person ~~probationary~~

specialized driving privileges for a period of time equal to the length of the stay.

(d) If the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least one (1) year but~~ not more than two (2) years. The court may stay the execution of ~~that~~ part of the suspension ~~that exceeds the minimum period of suspension~~ and grant the person ~~probationary~~ **specialized** driving privileges for a period of time equal to the length of the stay. If the court grants ~~probationary~~ **specialized** driving privileges under this subsection, the court shall order that the ~~probationary~~ **specialized** driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant ~~probationary~~ **specialized** driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted ~~probationary~~ **specialized** driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

(1) section 4 of this chapter;
(2) section 5 of this chapter;
(3) IC 14-15-8-8(b) (before its repeal);
(4) IC 14-15-8-8(c) (before its repeal);
(5) IC 35-46-9-6(b); or
(6) IC 35-46-9-6(c);

the court ~~shall~~ **may** recommend the suspension of the person's driving privileges for ~~at least two (2) years but~~ not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the

offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

(g) The bureau shall fix the period of suspension in accordance with the recommendation of the court under this section and in accordance with IC 9-30-6-9. ~~If the court fails to recommend a fixed period of suspension, or recommends a fixed period that is less than the minimum period required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 126. IC 9-30-5-11 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this chapter, the person may operate a vehicle only as follows:~~

~~(1) To and from the person's place of employment.~~

~~(2) For specific purposes in exceptional circumstances.~~

~~(3) To and from a court-ordered treatment program.~~

~~(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.~~

~~(c) The court shall notify a person who is granted probationary driving privileges of the following:~~

~~(1) That the probationary driving period commences when the bureau issues the probationary driving privileges.~~

~~(2) That the bureau may not issue probationary driving privileges until the bureau receives a reinstatement fee from the person, if applicable, and the person otherwise qualifies for valid driving privileges.~~

SECTION 127. IC 9-30-5-12 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 12. (a) If:~~

~~(1) a court recommends suspension of a person's driving privileges under section 10(b) of this chapter for an offense committed under this chapter; and~~

~~(2) the person did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the offense;~~

~~the court may stay the execution of the suspension of the person's driving privileges and grant the person probationary driving privileges for one hundred eighty (180) days.~~

~~(b) An order for probationary privileges must be issued in accordance with sections 11 and 13 of this chapter.~~

~~(c) If:~~

~~(1) a court recommends suspension of a person's driving privileges under section 10(c), 10(d), or 10(e) of this chapter for an offense committed under this chapter; and~~

~~(2) the period of suspension recommended by the court exceeds the minimum permissible fixed period of suspension specified under section 10 of this chapter;~~

~~the court may stay the execution of that part of the suspension that exceeds the minimum fixed period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.~~

~~(d) In addition to the other requirements of this section, if a person's driving privileges are suspended or revoked under section 10(f) of this chapter, a court must find that compelling circumstances warrant the issuance of probationary driving privileges.~~

~~(e) Before a court may grant probationary driving privileges under this section, the person to whom the probationary driving privileges will be granted must meet the burden of proving eligibility to receive probationary driving privileges.~~

~~(f) An order for probationary driving privileges issued under subsection (a) or (c) must comply with section 16 of this chapter.~~

SECTION 128. IC 9-30-5-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13. (a) An order for probationary driving privileges granted under this chapter must include the following:~~

~~(1) A requirement that the person may not violate a traffic law.~~

~~(2) A restriction of a person's driving privileges providing for automatic execution of the suspension of driving privileges if an order is issued under subsection (b).~~

~~(3) A written finding by the court that the court has reviewed the person's driving record and other relevant evidence and found that the person qualifies for probationary driving privileges under this chapter.~~

~~(4) Other reasonable terms of probation.~~

~~(b) If the court finds that the person has violated the terms of the order granting probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the~~

~~person's driving privileges.~~

SECTION 129. IC 9-30-5-14 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 14. (a) A person whose driving privileges are suspended under section 10 of this chapter:~~

~~(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and~~

~~(2) may not receive any credit for days during which the person's driving privileges were suspended under IC 9-30-6-9(b).~~

~~(b) A period of suspension of driving privileges imposed under section 10 of this chapter must be consecutive to any period of suspension imposed under IC 9-30-6-9(b). However, if the court finds in the sentencing order that it is in the best interest of society, the court may terminate all or any part of the remaining suspension under IC 9-30-6-9(b).~~

~~(c) The bureau shall designate a period of suspension of driving privileges imposed under section 10 of this chapter as consecutive to any period of suspension imposed under IC 9-30-6-9(b) unless the sentencing order of the court, under subsection (b), in the best interest of society, terminates all or part of the remaining suspension under IC 9-30-6-9(b).~~

SECTION 130. IC 9-30-5-16, AS AMENDED BY P.L.172-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 16. (a) Except as provided in subsections (b) and (c) and section 10 of this chapter, the court may, in granting ~~probationary~~ **specialized** driving privileges under this chapter, also order that the ~~probationary~~ **specialized** driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting ~~probationary~~ **specialized** driving privileges **under IC 9-30-16**

~~(1) under:~~

~~(A) section 12(a) of this chapter, if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or~~

~~(B) section 12(c) of this chapter; or~~

~~(2) to a person who has a prior unrelated conviction for an offense under this chapter of which the consumption of alcohol is an~~

~~element;~~

must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, a court is not required to order the installation of an ignition interlock device for a person ~~described in subdivision (1) or (2)~~ if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.

(c) A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:

(1) Has been convicted of violating section 1 or 2 of this chapter.

(2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.

(3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle.

SECTION 131. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **(a)** The ~~bureau~~ **director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving,** shall adopt rules under IC 4-22-2 to establish standards and specifications for ~~an~~ **a certified** ignition interlock device. ~~the installation of which the courts may mandate under IC 9-30-5-16.~~ The standards and specifications must require at a minimum that the device meets the following requirements:

(1) Is accurate.

(2) Does not impede the safe operation of a vehicle.

(3) Provides a minimum opportunity to be bypassed.

(4) Shows evidence of tampering if tampering is attempted.

(5) Has a label affixed warning ~~that~~ a person **that** tampering with or misusing the device is **a crime and may** subject **that person** to ~~a~~ **criminal and** civil ~~penalty.~~ **penalties.**

(6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

(d) The director of the state department of toxicology shall:

(1) have tests conducted concerning the ignition interlock device with standards set forth by the state department of toxicology; and

(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.

(e) The tests required under this section must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

(f) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

(g) The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

(1) the number of ignition interlock devices certified by the state department of toxicology;

(2) the number of ignition interlock devices currently installed in Indiana; and

(3) the number of ignition interlock devices rejected by the state department of toxicology.

(h) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

(i) The governor's council on impaired and dangerous driving shall meet once a year to:

(1) evaluate reports submitted by the state department of toxicology;

(2) evaluate and study ignition interlock issues;

(3) make recommendations to the state department of toxicology; and

(4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

SECTION 132. IC 9-30-8-6 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 6. (a) A vendor or provider whose ignition interlock device is certified under section 3 of this chapter shall provide a report to the court that ordered the device or the court's designee within two (2) weeks if any of the following occur:**

(1) Any attempt to start the vehicle with a breath alcohol concentration of four hundredths (.04) grams or higher if the person does not register a test result indicating a breath alcohol concentration of four hundredths (.04) grams or lower within ten (10) minutes of the initial test.

(2) Absent a documented failure of the ignition interlock device, failure to take or pass any required test.

(3) Failure of the person ordered to use an ignition interlock device to appear at the ignition interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the ignition interlock device.

(4) Any violations of restrictions imposed by the court.

(b) Any person who is required to have an ignition interlock device installed as part of probation, a specialized driving permit, or any other order of a court is required to pay for the installation, leasing, maintenance, and removal of the ignition interlock device, as well as any additional expenses ordered by the court or the court's designee.

(c) An ignition interlock vendor or provider shall provide any reports or data requested by the state department of toxicology.

SECTION 133. IC 9-30-10-4, AS AMENDED BY P.L.85-2013, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the ~~driver~~ **operator** of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and

assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

~~(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2,~~

~~IC 9-24-19-3, or IC 9-24-19-4.~~

~~(6) Operating a motor vehicle without ever having obtained a license to do so.~~

~~(7)~~ **(5)** Reckless driving.

~~(8)~~ **(6)** Criminal recklessness **as a felony** involving the operation of a motor vehicle.

~~(9)~~ **(7)** Drag racing or engaging in a speed contest in violation of law.

~~(10)~~ **(8)** Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3,~~ or ~~IC 9-26-1-4.~~ **IC 9-26-1-1.1.**

(9) Resisting law enforcement under IC 35-44.1-3-1.

~~(11)~~ **(10)** Any felony under an Indiana motor vehicle statute or any felony in **which** the ~~commission~~ **operation** of ~~which~~ a motor vehicle is ~~used.~~ **an element of the offense.**

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for:

(1) a violation enumerated in subsection (a); ~~or~~

(2) a violation enumerated in subsection (b);

(3) operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3; or

(4) operating a motor vehicle without ever having obtained a license to do so.

A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in

any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 134. IC 9-30-10-5, AS AMENDED BY P.L.85-2013, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) If it appears from the records maintained by the bureau that a person's driving record makes the person a habitual violator under section 4 of this chapter, the bureau shall mail a notice to the person's last known address that informs the person that the person's driving privileges will be suspended in thirty (30) days because the person is a habitual violator according to the records of the bureau.

(b) Thirty (30) days after the bureau has mailed a notice under this section, the bureau shall suspend the person's driving privileges for:

(1) except as provided in subdivision (2), ten (10) years if the person is a habitual violator under section 4(a) of this chapter;

(2) life if the person is a habitual violator under section 4(a) of this chapter and has at least two (2) violations under section 4(a)(4) through 4(a)(7) of this chapter;

(3) ten (10) years if the person is a habitual violator under section 4(b) of this chapter; or

(4) five (5) years if the person is a habitual violator under section 4(c) of this chapter.

(c) The notice must inform the person that the person may be entitled to relief under section 6 of this chapter or may seek judicial review of the person's suspension under this chapter.

(d) Notwithstanding subsection (b), if the bureau does not discover that a person's driving record makes the person a habitual violator under section 4 of this chapter for more than ~~three (3)~~ **two (2)** years after the bureau receives the person's final qualifying conviction, the bureau ~~upon notice to the person,~~ shall **not** suspend the person's driving privileges for ~~the remaining applicable~~ **any** period. ~~under subsection (b). A reduction in a period of suspension under this subsection does not affect the requirements under section 9 of this chapter concerning probation and restricted driving privileges.~~

SECTION 135. IC 9-30-10-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 6.5. If a court finds by clear and convincing evidence that a person is a habitual traffic violator under IC 9-30-10-4, the court:**

(1) shall order:

(A) that the person is a habitual traffic violator; and

(B) the bureau to suspend the person's driving license; and

(2) may order that the person is eligible for specialized driving privileges under IC 9-30-16.

SECTION 136. IC 9-30-10-8, AS AMENDED BY P.L.125-2012, SECTION 351, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) If a person files a petition for judicial review under section 6 of this chapter, the court shall promptly hold a hearing. The petition must be filed and the hearing must be held in accordance with section 7 of this chapter.

(b) If the court finds that the petitioner is not a habitual violator, the court shall order the bureau to reinstate the driving privileges of the person.

(c) If the court finds that the petitioner is a habitual violator, the person's driving privileges remain suspended. ~~unless the court places the person on probation under section 9 of this chapter.~~

(d) The findings of the court under this section constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the findings and orders of the court.

SECTION 137. IC 9-30-10-9 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 9. (a) This section does not apply to a person who:~~

~~(1) holds a commercial driver's license; and~~

~~(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).~~

~~(b) If a court finds that a person:~~

~~(1) is a habitual violator under section 4(c) of this chapter;~~

~~(2) has not been previously placed on probation under this section by a court;~~

~~(3) operates a vehicle for commercial or business purposes; and~~

~~the person's mileage for commercial or business purposes:~~

~~(A) is substantially in excess of the mileage of an average driver; and~~

~~(B) may have been a factor that contributed to the person's poor driving record;~~

~~(4) does not have:~~

~~(A) a judgment for a violation enumerated in section 4(a) of this chapter; or~~

~~(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter; and~~

~~(5) has not violated the terms of the person's suspension by operating a vehicle;~~

~~the court may place the person on probation in accordance with subsection (d).~~

~~(c) If a court finds that a person:~~

~~(1) is a habitual violator under section 4(b) of this chapter;~~

~~(2) has not been previously placed on probation under this section by a court;~~

~~(3) does not have a judgment for any violation listed in section 4(a) of this chapter;~~

~~(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and~~

~~(5) has not violated the terms of the person's suspension by operating a vehicle;~~

~~the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by the division of mental health and addiction or the Indiana judicial center.~~

~~(d) Whenever a court places a habitual violator on probation, the court:~~

~~(1) shall record each of the court's findings under this section in writing;~~

~~(2) shall order the bureau to issue the person probationary driving privileges for a fixed period of not more than the applicable remaining period of suspension;~~

~~(3) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:~~

~~(A) commercial or business purposes or other employment related driving;~~

~~(B) specific purposes in exceptional circumstances;~~

~~(C) rehabilitation programs; and~~

~~(D) specified hours during which the person may drive;~~

~~(4) shall require the person to submit to reasonable monitoring requirements;~~

~~(5) shall order the person to file proof of future financial responsibility for three (3) years following the date of being placed on probation; and~~

~~(6) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was convicted of an offense described in IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):~~

~~(A) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while under the influence of any other intoxicating substance.~~

~~(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86).~~

~~(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:~~

~~(i) The person may operate only a motor vehicle equipped with an ignition interlock device.~~

~~(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a chemical test.~~

~~(iii) The person must wear a device that detects and records the person's use of alcohol.~~

~~(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.~~

~~(e) If a court finds that a person:~~

~~(1) is a habitual violator under section 4(b) or 4(c) of this chapter;~~

~~(2) does not have any judgments for violations under section 4(a) of this chapter;~~

~~(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:~~

~~(A) the commission of infractions only; or~~

~~(B) previously driving on a suspended license;~~

~~(4) has not been previously placed on probation under this section by a court; and~~

~~(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;~~

~~the court may place the person on probation under the conditions described in subsection (d)(1) through (d)(5).~~

~~(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:~~

~~(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and~~

~~reinstatement.~~

~~(2) Send a certified copy of the person's driving record to the prosecuting attorney.~~

~~The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.~~

SECTION 138. IC 9-30-10-11 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 11. A petition for revocation of probation granted under section 9 of this chapter must:~~

~~(1) be filed in the court that placed the person on probation;~~

~~(2) be filed by the prosecuting attorney for the county in which the court is located;~~

~~(3) state the alleged violation; and~~

~~(4) be served upon the probationer in the manner provided for the service of summons in a civil action.~~

SECTION 139. IC 9-30-10-12 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 12. (a) Upon the filing of a petition for revocation of probation, the court shall do the following:~~

~~(1) Set a date for a hearing upon the petition that is not earlier than twenty (20) days nor later than forty-five (45) days from the date of the filing of the petition for review.~~

~~(2) Hold a hearing on the date set, unless the proceeding is continued by order of the court.~~

~~(3) Cause notice of the hearing date to be sent to all parties.~~

~~(b) At the hearing, the prosecuting attorney must bear the burden of proof by a preponderance of the evidence to prevail.~~

~~(c) If the court finds that the person has violated any terms of the probation, the court shall do the following:~~

~~(1) Record each of its findings in writing.~~

~~(2) Obtain the person's driver's license.~~

~~(3) Order the bureau to suspend the person's driving privileges for a period equal to the period of suspension originally imposed under section 5 of this chapter.~~

~~(4) Not place the person on probation under section 9 of this chapter.~~

~~(d) If the court finds that the person has not violated any of the~~

~~terms of the person's probation, the court shall do the following:~~

~~(1) Record each of the court's findings in writing.~~

~~(2) Continue the person on probation for the remainder of the probationary period.~~

~~(e) The court's findings under subsection (c) or (d) constitute a final judgment from which either party may appeal. An appeal does not act as a stay of the court's findings and orders.~~

SECTION 140. IC 9-30-10-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13. (a) The bureau may issue driving privileges to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:~~

~~(1) The time specified for the person's probation or the restriction or suspension of the person's driving privileges has elapsed.~~

~~(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.~~

~~(3) The person files with the bureau and maintains, for three (3) years after termination of probation, restriction, or suspension of driving privileges, proof of future financial responsibility in accordance with IC 9-25.~~

~~(4) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(A) one hundred (100) milliliters of the person's blood; or~~

~~(B) two hundred ten (210) liters of the person's breath;~~

~~for three (3) years after termination of probation, restriction, or suspension of driving privileges.~~

~~(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit~~

~~to a chemical test.~~

~~(b) The bureau may issue driving privileges to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:~~

~~(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.~~

~~(2) The person to whom the driving privileges are to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.~~

~~(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.~~

~~(5) The person:~~

~~(A) files with the bureau; and~~

~~(B) maintains for three (3) years after rescission of the suspension;~~

~~proof of future financial responsibility in accordance with IC 9-25.~~

~~(6) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(A) one hundred (100) milliliters of the person's blood; or~~

~~(B) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after termination of probation, restriction, or suspension of driving privileges.~~

~~(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit~~

~~to a chemical test.~~

~~(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.~~

~~(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).~~

SECTION 141. IC 9-30-10-14 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 14. (a) Except as provided in subsection (c), a person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if the following conditions exist:~~

~~(1) Ten (10) years have elapsed since the date on which an order for the lifetime suspension of the person's driving privileges was issued.~~

~~(2) The person has never been convicted of a violation described in section 4(a) of this chapter.~~

~~(3) The person has never been convicted of an offense under section 17 of this chapter.~~

~~(4) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(b) A petition for rescission and reinstatement under this section must meet the following conditions:~~

~~(1) Be verified by the petitioner.~~

~~(2) State the petitioner's age, date of birth, and place of residence.~~

~~(3) Describe the circumstances leading up to the lifetime suspension of the petitioner's driving privileges.~~

~~(4) Aver a substantial change in the petitioner's circumstances of the following:~~

~~(A) That indicates the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges are reinstated.~~

~~(B) That makes the lifetime suspension of the petitioner's driving privileges unreasonable.~~

~~(C) Indicates it is in the best interests of society for the petitioner's driving privileges to be reinstated.~~

~~(5) Aver that the requisite amount of time has elapsed since the date on which the order for the lifetime suspension of the person's~~

~~driving privileges was issued as required under subsections (a) and (c).~~

~~(6) Aver that the petitioner has never been convicted of an offense under section 17 of this chapter.~~

~~(7) Aver that the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(8) Aver that the petitioner has never been convicted of a violation described in section 4(a) of this chapter.~~

~~(9) Be filed in a circuit or superior court having jurisdiction in the county where the petitioner resides.~~

~~(10) If the petition is being filed under subsection (c), aver the existence of the conditions listed in subsection (c)(1) through (c)(3).~~

~~(c) The petitioner shall serve the prosecuting attorney of the county where the petitioner resides and the bureau with a copy of the petition described in subsection (b). A responsive pleading is not required.~~

~~(d) The prosecuting attorney of the county where the petitioner resides shall represent the state in the matter.~~

~~(e) A person whose driving privileges have been suspended for life may petition a court in a civil action for a rescission of the suspension order and reinstatement of driving privileges if all of the following conditions exist:~~

~~(1) Three (3) years have elapsed since the date on which the order for lifetime suspension of the petitioner's driving privileges was issued.~~

~~(2) The petitioner's lifetime suspension was the result of driving on a suspended license that was suspended for commission of infractions only or for driving on a suspended license.~~

~~(3) The petitioner has never been convicted of a violation described in section 4(a) or 4(b) of this chapter, with the exception of a judgment or conviction under section 4(b)(5) of this chapter.~~

~~(4) The petitioner has never been convicted of an offense under section 17 of this chapter.~~

~~(5) The petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

SECTION 142. IC 9-30-10-15 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 15. (a) Upon receiving a petition filed under~~

~~section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:~~

~~(1) The petitioner.~~

~~(2) The prosecuting attorney of the county where the petitioner resides.~~

~~(3) The bureau.~~

~~(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:~~

~~(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.~~

~~(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.~~

~~(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.~~

~~(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.~~

~~(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.~~

~~(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.~~

~~(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.~~

~~(8) If the person is petitioning the court under section 14(e) of this chapter:~~

~~(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and~~

~~(B) that the conditions listed under section 14(e) of this~~

~~chapter are satisfied.~~

~~(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.~~

~~(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue the prevailing petitioner:~~

~~(1) driving privileges under section 13(b) of this chapter; or~~

~~(2) restricted driving privileges for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):~~

~~(A) Specified hours during which the person may drive.~~

~~(B) An order prohibiting the person from operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86).~~

~~(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or motorized bicycle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:~~

~~(i) one hundred (100) milliliters of the person's blood; or~~

~~(ii) two hundred ten (210) liters of the person's breath;~~

~~or while intoxicated (as defined under IC 9-13-2-86).~~

~~(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:~~

~~(i) The person may operate only a motor vehicle equipped with an ignition interlock device.~~

~~(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or motorized bicycle and the law enforcement officer requests that the person submit to a~~

~~chemical test.~~

~~(iii) The person must wear a device that detects and records the person's use of alcohol.~~

~~(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.~~

~~(e) If a court orders the bureau to issue restricted or probationary driving privileges to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted or probationary driving privileges and upon:~~

~~(1) fulfillment by the petitioner of the conditions specified by the court; and~~

~~(2) the expiration of the restricted driving privileges issued under subsection (d)(2);~~

~~the bureau shall issue the petitioner driving privileges to operate a motor vehicle under section 13(b) of this chapter.~~

~~(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:~~

~~(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.~~

~~(2) Send a certified copy of the person's driving record to the prosecuting attorney.~~

~~The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.~~

SECTION 143. IC 9-30-10-17, AS AMENDED BY P.L.158-2013, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17. (a) A person who:

(1) operates a motor vehicle after the person's driving privileges are forfeited for life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991);

or

(2) is a habitual traffic violator under this chapter and commits an offense involving the person's operation of a motor vehicle, which offense causes serious bodily injury or death;

commits a Level 5 felony.

(b) In addition to any criminal penalties imposed for a conviction of an offense described in subsection (a), **if the new offense caused death,** the bureau shall suspend the person's driving privileges for the life of the person.

SECTION 144. IC 9-30-10-17.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 17.5. A person who operates a vehicle or motorized bicycle in violation of conditions of restricted driving privileges ordered by a court under section 9(d)(6) or 15(d)(2) of this chapter commits a Class A misdemeanor.~~

SECTION 145. IC 9-30-10-18, AS AMENDED BY P.L.28-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. In a criminal action brought under section 16 **or** 17 ~~or 17.5~~ of this chapter, it is a defense that the operation of a motor vehicle or motorized bicycle was necessary to save life or limb in an extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

SECTION 146. IC 9-30-13-1 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1. For a person who uses a motor vehicle to commit recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 147. IC 9-30-13-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. For a person who uses a motor vehicle to commit obstruction of traffic under IC 35-44.1-2-13, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court recommends a fixed term~~

~~of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.~~

SECTION 148. IC 9-30-13-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. For a person who uses a motor vehicle to commit criminal mischief under IC 35-43-1-2, the judge of the court in which the person is convicted may recommend that the driving privileges of the person be suspended for not less than sixty (60) days and not more than two (2) years. If the court recommends a fixed term of suspension that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension under this section.~~

SECTION 149. IC 9-30-13-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. (a) If a person commits any of the following offenses, the court that convicted the person shall recommend the suspension of the person's driving privileges for a fixed period of at least two (2) years and not more than five (5) years:~~

~~(1) Involuntary manslaughter resulting from the operation of a motor vehicle (IC 35-42-1-4).~~

~~(2) Reckless homicide resulting from the operation of a motor vehicle (IC 35-42-1-5).~~

~~(b) If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this section.~~

SECTION 150. IC 9-30-13-6, AS AMENDED BY SEA 24-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) The bureau shall, upon receiving an order of a court issued under ~~*IC 31-14-12-4 or*~~ IC 31-16-12-7 *(or IC 31-14-12-4 before its repeal),* suspend the driving privileges of the person who is the subject of the order.

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning

~~*five*~~ ~~*(5)*~~ *eighteen (18)* business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

~~(3) That the person may be granted specialized driving privileges under IC 9-24-15-6.7 if the person otherwise qualifies and can prove that public transportation is unavailable for travel by the person:~~

~~(A) to and from the person's regular place of employment;~~

~~(B) in the course of the person's regular employment;~~

~~(C) to and from the person's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

(d) A person who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the person's driving privileges are suspended under this section; and

(2) the person has been granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15~~ **IC 9-30-16** as a result of the suspension under this section.

~~*(e) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.*~~

SECTION 151. IC 9-30-13-7, AS AMENDED BY P.L.85-2013, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 31-25-4-4) either requested a hearing under IC 31-25-4-33 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:

(1) That the obligor's driving privileges are suspended, beginning eighteen (18) business days after the date the notice is mailed, and

that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

(A) paid the obligor's child support arrearage in full; or

(B) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(2) That the obligor may be granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15-6.7~~ **IC 9-30-16.** ~~if the obligor can prove that public transportation is unavailable for travel by the obligor:~~

~~(A) to and from the obligor's regular place of employment;~~

~~(B) in the course of the obligor's regular employment;~~

~~(C) to and from the obligor's place of worship; or~~

~~(D) to participate in parenting time with the petitioner's children consistent with a court order granting parenting time.~~

(b) The bureau may not reinstate driving privileges suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

(1) paid the obligor's child support arrearage in full; or

(2) established a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-0.5 or IC 31-16-15-2.5.

(c) An obligor who operates a motor vehicle in violation of this section commits a Class A infraction, unless:

(1) the obligor's driving privileges are suspended under this section; and

(2) the obligor has been granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15~~ **IC 9-30-16** as a result of the suspension under this section.

~~(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the recommendation of the court. If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.~~

SECTION 152. IC 9-30-13-8, AS AMENDED BY P.L.85-2013, SECTION 113, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driver's license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

(A) stating that the person's driving privileges are being suspended for fuel theft;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted ~~restricted~~ **specialized** driving privileges under ~~IC 9-24-15-6.7~~ **IC 9-30-16** if the person meets the conditions for obtaining ~~restricted~~ **specialized** driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by ~~restricted~~ **specialized** driving privileges granted to the person under ~~IC 9-24-15-6.7.~~ **IC 9-30-16.**

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the ~~recommendation~~ **order** of the court. ~~If the court fails to recommend a term of suspension, or recommends a fixed term that is not prescribed by statute, the bureau shall impose the applicable period of suspension required by statute.~~

SECTION 153. IC 9-30-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]:

Chapter 15.5. Habitual Vehicular Substance Offender

Sec. 1. As used in this chapter, "vehicular substance offense"

means any misdemeanor or felony in which operation of a motor vehicle while intoxicated, operation of a motor vehicle in excess of the statutory limit for alcohol, or operation of a motor vehicle with a controlled substance or its metabolite in the person's body, is a material element. The term includes an offense under IC 9-30-5, IC 9-24-6-15, and an offense under IC 9-11-2 (before its repeal).

Sec. 2. (a) The state may seek to have a person sentenced as a habitual vehicular substance offender for any vehicular substance offense by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated vehicular substance offense convictions.

(b) For purposes of subsection (a), a person has accumulated two (2) prior unrelated vehicular substance offense convictions if the person is convicted and sentenced for a vehicular substance offense committed after sentencing for a prior unrelated vehicular substance offense conviction. However, if the person has only two (2) prior unrelated vehicular substance offense convictions, the earlier prior unrelated offense cannot have occurred more than ten (10) years before the date of the more recent prior unrelated offense. If the person has at least three (3) prior unrelated convictions, the person has accumulated the convictions regardless of when the offenses occurred. However, a conviction does not count for purposes of subsection (a) and this subsection if:

(1) it has been set aside; or

(2) it is a conviction for which the person has been pardoned.

(c) If the person is convicted of a vehicular substance offense in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial is to the court, or the judgment is entered on a guilty plea, the court alone shall conduct the sentencing hearing, under IC 35-38-1-3.

(d) A person is a habitual vehicular substance offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person has accumulated four (4) unrelated vehicular substance offense convictions or three (3) unrelated vehicular substance offense convictions within a ten (10) year period.

(e) The court shall sentence a person found to be a habitual vehicular substance offender to an additional fixed term of at least one (1) year but not more than eight (8) years of imprisonment, to

be added to the term of imprisonment imposed under IC 35-50-2 or IC 35-50-3.

SECTION 154. IC 9-30-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]:

Chapter 16. Driver's License Suspension Penalties

Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:

(1) A person who has never had a valid Indiana driver's license.

(2) A person who holds a commercial driver's license.

(3) A person who has refused to submit to a chemical test offered under IC 9-30-6.

(b) In addition to applying to a person who held an operator's, a public passenger chauffeur's, or a chauffeur's license at the time of the criminal conviction for which the operation of a motor vehicle is an element of the offense, this chapter applies to an individual who:

(1) held a commercial driver's license at the time the individual committed an offense for which the operation of a motor vehicle was an element of the offense;

(2) no longer holds a commercial driver's license; and

(3) subsequently was issued an operator's license, chauffeur's license, or public passenger chauffeur's license.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) A suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges, the period of the installation shall be credited as part of the suspension of driving privileges.

Sec. 2. (a) If a person is convicted of an offense that includes the element of causing serious bodily injury of another person and the

offense involved the operation of a motor vehicle, the court shall order that the person's driving privileges are suspended for a period of at least one (1) year and not more than the maximum allowable period of incarceration of the criminal penalty for the offense. A person whose driving privileges are suspended under this section is eligible for specialized driving privileges under section 3 of this chapter.

(b) If a person is convicted of an offense that includes the element of causing the death of another person and the offense involved the operation of a motor vehicle, the court shall order that the person's driving privileges are suspended for a period of at least two (2) years and not more than the maximum allowable period of incarceration of the criminal penalty for the offense. A person whose driving privileges are suspended under this section is not eligible for specialized driving privileges under section 3 of this chapter.

Sec. 3. (a) A court imposing a suspension of driving privileges under this chapter may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

(1) requiring the use of ignition interlock devices; and

(2) restricting a person to being allowed to operate a motor vehicle:

(A) during certain hours of the day; or

(B) between specific locations and the person's residence.

(d) A stay of a conviction and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by

the person; and

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer.

Sec. 4. (a) A person whose driving privileges have been suspended by the bureau may petition a court for specialized driving privileges.

(b) A petition filed under this section must:

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, and address;

(3) state the grounds for relief and the relief sought;

(4) be filed in the county in which the petitioner resides;

(5) be filed in a circuit or superior court; and

(6) be served on the bureau and the prosecuting attorney.

(c) A prosecuting attorney may appear on behalf of the bureau to respond to a petition filed under this section.

Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 2 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered.

SECTION 155. IC 9-31-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) Except as provided in section 5 of this chapter, a person may not transfer ownership of a watercraft that was acquired by the person after January 1, 1986, without delivering to the transferee of the watercraft a certificate of title with an assignment on the certificate of title that shows title in the transferee.

(b) A person who acquires ownership of a watercraft after January 1, 1986, must obtain a certificate of title for the watercraft under section 6 of this chapter.

(c) A person who violates this section commits a Class A infraction.

SECTION 156. IC 9-31-2-5, AS AMENDED BY P.L.125-2012, SECTION 379, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) A manufacturer,

importer, dealer, or other person may not sell or otherwise dispose of a new watercraft to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's or importer's certificate executed under this section and with those assignments on the certificate as are necessary to show title in the purchaser of the watercraft. A dealer may not purchase or acquire a new watercraft without obtaining from the seller of the watercraft the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft must contain the following information along with any additional information the bureau requires:

(1) A description of the watercraft, including, if applicable, the make, year, length, dry weight, series or model, horsepower rating, hull type, and hull identification number.

(2) Certification of the date of transfer of the watercraft to a distributor, dealer, or other transferee and the name and address of the transferee.

(3) Certification that this is the first transfer of the new watercraft in ordinary trade and commerce.

(4) The signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate shall be printed on the reverse side of the manufacturer's or importer's certificate. The assignment form must include the following:

(1) The name and address of the transferee.

(2) A certification that the watercraft is new.

(3) A warranty that the title at the time of delivery is subject only to the liens and encumbrances that are set forth and described in full in the assignment.

(d) A person who violates this section commits a Class A infraction.

SECTION 157. IC 9-31-2-6, AS AMENDED BY P.L.125-2012, SECTION 380, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Except as provided in subsection (b), an application for a certificate of title shall be filed with the bureau within thirty-one (31) days after the date of purchase or transfer. The application must be accompanied by the fee prescribed in IC 9-29-15-1.

(b) This subsection applies only to a watercraft acquired by a

conveyance subject to section 30 of this chapter. An application for a certificate of title shall be filed with the bureau within sixty (60) days after the date of the transfer under section 30 of this chapter. The application must be accompanied by the fee prescribed in IC 9-29-15-1 and any other applicable fees and service charges.

(c) A person who violates this section commits a Class A infraction.

SECTION 158. IC 9-31-2-9, AS AMENDED BY P.L.125-2012, SECTION 383, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. **(a)** If a certificate of title was not previously issued in Indiana for the watercraft, the application must be accompanied by one (1) of the following:

(1) A manufacturer's or importer's certificate.

(2) A certificate of registration issued under IC 9-31-3, if purchased by the applicant before January 1, 1986.

(3) A certificate of title or bill of sale.

(4) Other evidence of ownership required by the law of another state from which the watercraft is brought into Indiana.

(b) A person who violates this section commits a Class C infraction.

SECTION 159. IC 9-31-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. **(a)** Evidence of ownership of a watercraft for which an Indiana certificate of title was not previously issued and that does not have permanently affixed to the watercraft a hull identification number shall be accompanied by the certificate of hull identification number assigned by the bureau under section 8 of this chapter.

(b) A person who violates this section commits a Class A infraction.

SECTION 160. IC 9-31-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. A person who does any of the following commits a Class A ~~misdemeanor:~~ **infraction:**

(1) ~~Operates~~ **Allows a watercraft that the person owns to be operated** in Indiana ~~a watercraft for which a certificate of title is required~~ without having a certificate as prescribed by this chapter.

~~(2) Operates in Indiana a watercraft for which a certificate of title is required for which the certificate of title is canceled.~~

~~(3)~~ **(2)** Fails to surrender a certificate of title upon cancellation of

the certificate by the bureau and notice of the cancellation as prescribed in this chapter.

~~(4)~~ **(3)** Fails to surrender a certificate of title to the bureau, as provided in this chapter, if the watercraft is destroyed, dismantled, or changed in a manner that the watercraft is not the watercraft described in the certificate of title.

SECTION 161. IC 9-31-2-27 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 27. A person who does any of the following commits a Level 6 felony:~~

~~(1) Alters or forges a certificate of title or a manufacturer's or importer's certificate to a watercraft, an assignment of either, or a cancellation of a lien on a watercraft.~~

~~(2) Holds or uses a certificate, assignment, or cancellation, knowing the document is altered or forged.~~

~~(3) Procures or attempts to procure a certificate of title to a watercraft or passes or attempts to pass a certificate of title or an assignment of title to a watercraft knowing or having reason to believe that the watercraft is stolen.~~

~~(4) Sells or offers for sale in Indiana a watercraft on which the manufacturer's or assigned hull identification number is destroyed, removed, covered, altered, or defaced, with knowledge of the destruction, removal, covering, alteration, or defacement of the manufacturer's or assigned hull identification number.~~

~~(5) Destroys, removes, alters, or defaces the manufacturer's or assigned hull identification number of a watercraft.~~

~~(6) Uses a false or fictitious name, gives a false or fictitious address, or makes a false statement in an application or certificate required under this chapter or in a bill of sale or sworn statement of ownership, or otherwise commits fraud in an application.~~

~~(7) Sells or transfers a watercraft without delivering to the purchaser or transferee of the watercraft a certificate of title or a manufacturer's or importer's certificate to the watercraft assigned to the purchaser as provided for in this chapter.~~

SECTION 162. IC 9-31-2-28 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 28. A person who violates section 2, 3, 5, 6, 9, 10, or 11 of this chapter commits a Class C misdemeanor.~~

SECTION 163. IC 9-32-4-1, AS ADDED BY P.L.262-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person who holds the certificate of title must do the following:

(1) In the case of a sale or transfer between vehicle dealers licensed by this state or another state, deliver the certificate of title within twenty-one (21) days after the date of the sale or transfer.

(2) Deliver the certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale or transfer to the purchaser or transferee of the vehicle, if all the following conditions exist:

(A) The seller or transferor is a vehicle dealer licensed by the state under this article.

(B) The vehicle dealer is not able to deliver the certificate of title at the time of sale or transfer.

(C) The vehicle dealer provides the purchaser or transferee with an affidavit under section 2 of this chapter.

(D) The purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(b) A licensed dealer may offer for sale a vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(1) or (a)(2) at the time of the sale.

(c) A vehicle dealer who fails to deliver a certificate of title within the time specified under this section is subject to the following civil penalties:

(1) One hundred dollars ($100) for the first violation in a calendar year.

(2) Two hundred fifty dollars ($250) for the second violation in a calendar year.

(3) Five hundred dollars ($500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary of state and deposited in the dealer enforcement account established under IC 9-32-7-2.

(d) If a purchaser or transferee does not receive a valid certificate of

title within the time specified by this section, the purchaser or transferee has the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the vehicle dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser or transferee.

(e) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars ($100). If:

(1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and

(2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(f) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle shall deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within ten (10) days after the date of sale.

(h) Except as provided in subsection (i), a person who violates this section commits a Class C infraction.

(i) A person who knowingly or intentionally violates subsection (a)(1), (a)(2), or (d) commits a Class B misdemeanor.

SECTION 164. IC 9-32-6-7, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Except as provided in sections 8 and 9 of this chapter, dealer-new, dealer-used, manufacturer, and wholesale license plates may be used only on motor vehicles in the:

(1) dealer's inventory being held for sale;

(2) usual operation of the manufacturer's or dealer's business;

(3) movement of the manufacturer's or dealer's inventory; or

(4) inventory of a manufacturer or dealer that is unattended by the manufacturer or dealer or the dealer's agent for a maximum of ten (10) days by a prospective buyer or a service customer.

(b) The license plates referenced in subsection (a) must be:

(1) primarily used or stored at an address within Indiana; or

(2) displayed on a vehicle being transported for purposes of sale by a licensed Indiana dealer.

(c) A person who violates this section commits a Class A infraction.

SECTION 165. IC 9-32-6-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. **(a)** Dealer-new, dealer-used, manufacturer, and wholesale license plates may not be used on a vehicle that:

(1) is required to be registered; and

(2) has a fee charged by dealers to others for the use of the vehicle.

(b) A person who violates this section commits a Class A infraction.

SECTION 166. IC 9-32-6-11, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer or manufacturer who is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) Whenever a dealer or manufacturer sells or leases a motor vehicle, the dealer or manufacturer may provide the buyer or lessee with an interim license plate. The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a motor vehicle owner or lessor to operate the vehicle for a maximum period of thirty-one (31) days after the date of sale or lease of the vehicle to the vehicle's owner or lessor or until a regular license plate is issued, whichever occurs first. **A person who violates this subsection commits a Class A infraction.**

(e) A motor vehicle that is required by law to display license plates on the front and rear of the vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

(1) in the same manner required in IC 9-18-2-26; or

(2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the purchaser at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

SECTION 167. IC 9-32-6-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. A dealer ~~may not~~ **that** knowingly or intentionally ~~issue~~ **issues** an altered interim license plate or an interim license plate with false or fictitious information **commits a Class A infraction.**

SECTION 168. IC 9-32-6-13, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. **(a)** A person ~~may not~~ **who** knowingly or intentionally ~~operate~~ **operates** a vehicle displaying an altered interim license plate issued under section 11 of this chapter **commits a Class C misdemeanor.**

(b) A person who knowingly and with the intent to defraud

obtains an altered interim license plate issued under section 11 of this chapter commits a Class C misdemeanor.

SECTION 169. IC 9-32-9-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** A disposal facility, a used parts dealer, or an automotive salvage rebuilder must be licensed by the secretary under this chapter before the facility, dealer, or rebuilder may do any of the following:

(1) Sell a used major component part of a vehicle.

(2) Wreck or dismantle a vehicle for resale of the major component parts of the vehicle.

(3) Rebuild a wrecked or dismantled vehicle.

(4) Possess more than two (2) inoperable vehicles subject to registration for more than thirty (30) days unless the facility, dealer, or rebuilder holds a mechanic's lien on each vehicle over the quantity of two (2).

(5) Engage in the business of storing, disposing, salvaging, or recycling of vehicles, vehicle hulks, or parts of vehicles.

(b) A person who violates this section commits a Class A infraction.

SECTION 170. IC 9-32-9-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. **(a)** A disposal facility, a used parts dealer, or an automotive salvage rebuilder licensed in Indiana must have a principal place of business in Indiana conducting the business that is the basis for the license. A place of business that performs only ministerial tasks is not considered to be conducting business.

(b) A disposal facility, a used parts dealer, or an automotive salvage rebuilder who violates this section commits a Class A infraction.

SECTION 171. IC 9-32-9-10, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. **(a)** A licensee shall post a license granted to the licensee under this chapter in a conspicuous place at the licensed place of business.

(b) A licensee that violates this section commits a Class A infraction.

SECTION 172. IC 9-32-11-1, AS ADDED BY P.L.92-2013,

SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) The following persons must be licensed under this article to engage in the business of buying or selling motor vehicles or semitrailers:

(1) An automobile auctioneer.
(2) A converter manufacturer.
(3) A dealer.
(4) A distributor.
(5) A distributor representative.
(6) A factory branch.
(7) A factory representative.
(8) A manufacturer.
(9) A transfer dealer.
(10) A wholesale dealer.
(11) An automotive mobility dealer.

(b) An automotive mobility dealer who engages in the business of:

(1) selling, installing, or servicing;
(2) offering to sell, install, or service; or
(3) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a vehicle by an individual who is disabled or aged must be licensed under this article.

(c) An automotive mobility dealer that fails to be licensed under this article and engages in the businesses described in subsection (b) commits a Class A infraction.

SECTION 173. IC 9-32-11-12, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. **(a)** A license issued under this chapter is valid for a one (1) year period in accordance with the following schedule:

(1) A person whose business name begins with the letters A through B, inclusive, shall register before March 1 of each year.
(2) A person whose business name begins with the letters C through D, inclusive, shall register before April 1 of each year.
(3) A person whose business name begins with the letters E through G, inclusive, shall register before May 1 of each year.
(4) A person whose business name begins with the letters H through I, inclusive, shall register before June 1 of each year.

(5) A person whose business name begins with the letters J through L, inclusive, shall register before July 1 of each year.

(6) A person whose business name begins with the letters M through O, inclusive, shall register before August 1 of each year.

(7) A person whose business name begins with the letters P through R, inclusive, shall register before September 1 of each year.

(8) A person whose business name begins with the letters S through T, inclusive, shall register before October 1 of each year.

(9) A person whose business name begins with the letters U through Z, inclusive, shall register before November 1 of each year.

(b) A sole proprietor shall register based upon the name of the sole proprietorship.

(c) A sole proprietor who does not register based upon the name of the sole proprietorship commits a Class A infraction.

(d) A person required to be licensed under this chapter that fails to register in accordance with the schedule set forth in subsection (a) commits a Class A infraction.

SECTION 174. IC 9-32-13-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 31. A person that performs an act that is an unfair practice under this chapter commits a Class A infraction.**

SECTION 175. IC 9-32-17-2 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 2. (a) Except as provided in subsections (b) and (c), a person who violates IC 9-32-4 commits a Class C infraction.~~

~~(b) A person who knowingly or intentionally violates IC 9-32-4-1(a)(1), IC 9-32-4-1(a)(2), IC 9-32-4-1(a)(4), IC 9-32-4-1(a)(5), or IC 9-32-4-1(d) commits a Class B misdemeanor.~~

~~(c) A person who knowingly or intentionally violates IC 9-32-4-1(a)(3) commits a:~~

~~(1) Class A misdemeanor for the first violation; and~~

~~(2) Class D felony for a second or subsequent unrelated violation.~~

SECTION 176. IC 9-32-17-3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 3. (a) Except as provided in subsection (b), a person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:~~

~~(1) IC 9-32-6-7.~~
~~(2) IC 9-32-6-10.~~
~~(3) IC 9-32-6-11(d).~~
~~(4) IC 9-32-6-12.~~

~~(b) A person who knowingly or intentionally violates IC 9-32-6-13 commits a Class A misdemeanor.~~

SECTION 177. IC 9-32-17-4 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4. A person who knowingly or intentionally violates any of the following commits a Class A misdemeanor:~~

~~(1) IC 9-32-9-1.~~
~~(2) IC 9-32-9-2.~~
~~(3) IC 9-32-9-10.~~

SECTION 178. IC 9-32-17-5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 5. A person who knowingly or intentionally violates:~~

~~(1) IC 9-32-11-1; or~~
~~(2) IC 9-32-11-12;~~

~~commits a Class A misdemeanor.~~

SECTION 179. IC 9-32-17-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 6. A person who knowingly or intentionally violates IC 9-32-13 commits a Class A misdemeanor.~~

SECTION 180. IC 10-11-2-26, AS AMENDED BY P.L.135-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least ten thousand one (10,001) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.
(2) IC 6-6-1.1-1202.
(3) IC 6-6-2.5.
(4) IC 6-6-4.1-12.
(5) IC 8-2.1.
(6) IC 9-18.
(7) IC 9-19.

(8) IC 9-20.
(9) IC 9-21-7-2 through IC 9-21-7-11.
(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
(11) IC 9-21-8-45 through IC 9-21-8-48.
(12) IC 9-21-9.
(13) IC 9-21-15.
(14) IC 9-21-21.
(15) IC 9-24-1-1 through IC 9-24-1-1.5.
(16) IC 9-24-1-7.
(17) Except as provided in subsection (c), IC 9-24-1-6, ~~IC 9-24-6-16,~~ IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
(18) IC 9-24-4.
(19) IC 9-24-5.
(20) IC 9-24-11-4.
(21) IC 9-24-13-3.
(22) IC 9-24-18-1 through IC 9-24-18-2.
(23) IC 9-25-4-3.
(24) IC 9-28-4.
(25) IC 9-28-5.
(26) IC 9-28-6.
(27) IC 9-29-5-11 through IC 9-29-5-13.
(28) IC 9-29-5-42.
~~(29) IC 9-29-6-1.~~
~~(30)~~ **(29)** IC 10-14-8.
~~(31)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
~~(32)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

~~(d) Subsection (a)(29) expires on the date that IC 9-29-6-1 expires.~~

SECTION 181. IC 14-15-11-11, AS AMENDED BY P.L.114-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b),

a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court ~~shall~~ **may** recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not ~~less than ninety (90) days and not~~ more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension ~~for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period~~ in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.

SECTION 182. IC 14-15-11-14, AS AMENDED BY P.L.40-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. (a) ~~The bureau~~ **A court** may suspend or revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8 (before its repeal), IC 35-46-9, or IC 14-15-12.

(b) In suspending or revoking a driver's license under this section, **the court shall notify** the bureau **of the driver's license suspension or revocation, and the bureau** shall follow the procedure set forth in IC 9-30-4.

SECTION 183. IC 31-37-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) If a child is alleged to have committed an act that would be an offense under IC 9-30-5 if committed by an adult, a juvenile court shall recommend the immediate suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(b) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(c) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (b), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

(1) Remove any record of the suspension from the bureau's record keeping system.

(2) Reinstate the privileges without cost to the person.

(d) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child ~~probationary~~ **specialized** driving privileges ~~for one hundred eighty (180) days~~ in conformity with the procedures in ~~IC 9-30-5-12.~~ **IC 9-30-16.** ~~The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this~~

~~subsection.~~

(e) If a proceeding described in this section is terminated in favor of the child and the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult, the bureau shall remove any record of the suspension, including the reasons for the suspension, from the child's official driving record.

(f) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.

SECTION 184. IC 31-37-19-17.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

(1) Remove any record of the suspension from the bureau's record keeping system.

(2) Reinstate the privileges without cost to the person.

(e) If:

(1) a juvenile court recommends suspension of a child's driving privileges under this section; and

(2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the

delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child ~~probationary~~ **specialized** driving privileges ~~for one hundred eighty (180) days~~ in conformity with the procedures in ~~IC 9-30-5-12.~~ **IC 9-30-16.** ~~The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.~~

(g) A child whose driving privileges are suspended under this section is entitled to credit for any days during which the license was suspended under IC 31-37-5-7, if the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult.

(h) A period of suspension of driving privileges imposed under this section must be consecutive to any period of suspension imposed under IC 31-37-5-7. However, if the juvenile court finds in the sentencing order that it is in the best interest of society, the juvenile court may terminate all or any part of the remaining suspension under IC 31-37-5-7.

(i) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section.

SECTION 185. IC 31-40-2-1.7, AS AMENDED BY P.L.125-2012, SECTION 407, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if a delinquent child is discharged from probation before the date the delinquent child was scheduled to be released from probation, any monthly probation user's fee paid in advance for the delinquent child may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) A delinquent child placed on probation for more than one (1) delinquent act:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to either the probation department or the clerk of the court.

(e) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

~~(f) If:~~

~~(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and~~

~~(2) the person's driving privileges or driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;~~

~~the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's~~

~~delinquent probation user's fees.~~

SECTION 186. IC 33-39-1-8, AS AMENDED BY P.L.158-2013, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) ~~IC 7.1-5-7-7(a),~~ **IC 7.1-5-7-7,** if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-42-2-2(c)(1);

(D) IC 35-44.1-2-13(b)(1); or

(E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 187. IC 34-24-1-1, AS AMENDED BY P.L.196-2013, SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic cannabinoid*~~ (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a ~~*Class A felony, a Class B felony,*~~ *Level 1, Level 2, Level 3, Level 4,* or ~~a~~ ~~*Class C*~~ *Level 5* felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic cannabinoid*~~ (IC 35-48-4-10).

(F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through

IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through ~~IC 9-24-19-4,~~ **IC 9-24-19-3,** if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a ~~*Class B*~~ *Level 4* felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a ~~*Class A felony, Class B*~~ *Level 3, Level 4,* ~~*felony,*~~ or ~~*Class C*~~ *Level 5* felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~*Class A felony, Class B felony,*~~ *Level 3, Level 4,* or ~~*Class C*~~ *Level 5* felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, *or* salvia) ~~*or a synthetic cannabinoid)*~~ as a ~~*Class C*~~ *Level 5* felony.

(9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a ~~*Class C*~~ **Level 5** *felony or* ~~*Class D*~~ **Level 6** *felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).*

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the

vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 188. IC 35-33-1-1, AS AMENDED BY P.L.171-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

(1) a warrant commanding that the person be arrested;

(2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;

(3) probable cause to believe the person has violated the provisions of ~~IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4,~~ **IC 9-26-1-1.1** or IC 9-30-5;

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) a removal order issued for the person by an immigration court;

(12) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(13) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 189. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3.3. (a) This section does not apply to a defendant charged in a city or town court.

(b) If a defendant who has a prior unrelated conviction for any offense is charged with a new offense and placed under the supervision of a probation officer or pretrial services agency, the court may order the defendant to pay the pretrial services fee prescribed under subsection (e) if:

(1) the defendant has the financial ability to pay the fee; and

(2) the court finds by clear and convincing evidence that supervision by a probation officer or pretrial services agency is necessary to ensure the:

(A) defendant's appearance in court; or

(B) physical safety of the community or of another person.

(c) If a clerk of a court collects a pretrial services fee, the clerk may retain not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee. The clerk shall deposit amounts retained under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2.

(d) If a clerk of a court collects a pretrial services fee from a defendant, upon request of the county auditor, the clerk shall transfer

not more than three percent (3%) of the fee to the county auditor for deposit in the county general fund.

(e) The court may order a defendant who is supervised by a probation officer or pretrial services agency and charged with an offense to pay:

(1) an initial pretrial services fee of at least twenty-five dollars ($25) and not more than one hundred dollars ($100);

(2) a monthly pretrial services fee of at least fifteen dollars ($15) and not more than thirty dollars ($30) for each month the defendant remains on bail and under the supervision of a probation officer or pretrial services agency; and

(3) an administrative fee of one hundred dollars ($100);

to the probation department, pretrial services agency, or clerk of the court if the defendant meets the conditions set forth in subsection (b).

(f) The probation department, pretrial services agency, or clerk of the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

(1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and

(2) to supplement the salary of:

(A) an employee of a pretrial services agency; or

(B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year

does not revert to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

(1) one (1) initial pretrial services fee; and

(2) one (1) monthly pretrial services fee per month.

(i) A probation department or pretrial services agency may petition a court to:

(1) impose a pretrial services fee on a defendant; or

(2) increase a defendant's pretrial services fee;

if the financial ability of the defendant to pay a pretrial services fee changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

(1) is a judgment lien that, upon the defendant's conviction:

(A) attaches to the property of the defendant;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under this section; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the disposition of charges against the defendant or by the completion of a sentence, if any, imposed on the defendant;

(3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and

(4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

(k) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

~~(l) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles to not issue a driver's license or permit to the defendant until~~

~~the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.~~

~~(m)~~ **(l)** In addition to other methods of payment allowed by law, a probation department or pretrial services agency may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency receives payment or credit from the institution responsible for making the payment or credit.

~~(n)~~ **(m)** The probation department or pretrial services agency may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services agency, or charged directly to the account of the probation department or pretrial services agency, the probation department or pretrial services agency may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the fee or fees the defendant may be required to pay under subsection (e).

~~(o)~~ **(n)** The probation department or pretrial services agency shall forward a credit card service fee collected under subsection ~~(n)~~ **(m)** to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 190. IC 35-38-1-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 32. A sentencing court shall inform a person who is convicted of or pleads guilty to the following offenses that the offense could qualify them as a habitual violator under IC 9-30-10:**

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an

accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(6) Operation of a vehicle while intoxicated.

(7) Operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(8) Reckless driving.

(9) Criminal recklessness as a felony involving the operation of a motor vehicle.

(10) Drag racing or engaging in a speed contest in violation of law.

(11) Violating IC 9-26-1-1.1

(12) Any felony under an Indiana motor vehicle statute.

(13) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3.

(14) Operating a motor vehicle without ever having obtained a license to do so.

SECTION 191. IC 35-38-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1.7. (a) A person may pay a monthly probation user's fee under section 1 or 1.5 of this chapter before the date the payment is required to be made without obtaining the prior approval of a court or a probation department. However, if the person is discharged from probation before the date the person was scheduled to be released from probation, any monthly probation user's fee paid in advance by the person may not be refunded.

(b) A probation department may petition a court to:

(1) impose a probation user's fee on a person; or

(2) increase a person's probation user's fee;

under section 1 or 1.5 of this chapter if the financial ability of the person to pay a probation user's fee changes while the person is on probation.

(c) An order to pay a probation user's fee under section 1 or 1.5 of this chapter:

(1) is a judgment lien that:

(A) attaches to the property of the person subject to the order;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under section 1 or 1.5 of this chapter; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the completion of the person's probationary period or other sentence imposed on the person; and

(3) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5.

(d) If a court orders a person to pay a probation user's fee under section 1 or 1.5 of this chapter, the court may garnish the wages, salary, and other income earned by the person to enforce the order.

~~(e) If:~~

~~(1) a person is delinquent in paying the person's probation user's fees required under section 1 or 1.5 of this chapter; and~~

~~(2) the person's driver's license or permit has been suspended or revoked or the person has never been issued a driver's license or permit;~~

~~the court may order the bureau of motor vehicles to not issue a driver's license or permit to the person until the person has paid the person's delinquent probation user's fees.~~

SECTION 192. IC 35-43-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]:

Chapter 6.5. Motor Vehicle and Watercraft Fraud

Sec. 1. (a) A person who sells or offers for sale a vehicle, a vehicle part, or a watercraft knowing that an identification number or certificate of title of the vehicle, vehicle part, or watercraft has

been:

(1) destroyed;

(2) removed;

(3) altered;

(4) covered; or

(5) defaced;

commits a Class A misdemeanor.

(b) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

(1) use the certificate of title; or

(2) permit another person to use the certificate of title;

commits a Class B misdemeanor.

Sec. 2. (a) A person who, with the intent to defraud:

(1) advertises for sale;

(2) sells;

(3) uses; or

(4) installs;

any device that causes an odometer to register mileage other than the mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance commits a Level 6 felony.

(b) A person who, with the intent to defraud:

(1) disconnects, resets, or alters the odometer of any motor vehicle with intent to change the number of miles or kilometers indicated on the odometer; or

(2) sells a motor vehicle that has a broken odometer or an odometer that is not displaying correct mileage of the vehicle;

commits a Level 6 felony.

SECTION 193. IC 35-45-19-1, AS ADDED BY P.L.68-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. This chapter does not:

(1) apply to the driver of a vehicle involved in an accident that:

(A) results in the death of a person; and

(B) must be reported under ~~IC 9-26-1-1;~~ **IC 9-26-1-1.1;** or

(2) supersede any law governing the reporting of a death by a hospital, health care facility, or provider.

SECTION 194. IC 35-48-4-15, AS AMENDED BY P.L.125-2012, SECTION 415, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2015]: Sec. 15. ~~(a)~~ If a person is convicted of an offense under section 1, **1.1,** 2, 3, 4, ~~5, 6, 7,~~ **or** 10 ~~or 11~~ of this chapter, ~~or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter,~~ and the court finds that a motor vehicle was used in the commission of the offense, the court ~~shall,~~ **may,** in addition to any other order the court enters, order that the person's

~~(1) driver's license~~ **driving privileges** be suspended

~~(2) existing motor vehicle registrations be suspended; and~~

~~(3) ability to register motor vehicles be suspended;~~

by the bureau of motor vehicles for a period specified by the court of ~~at least six (6) months but~~ not more than two (2) years.

~~(b) If a person is convicted of an offense described in subsection (a) and the person does not hold a driver's license or a learner's permit, the court shall order that the person may not receive a driver's license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.~~

SECTION 195. IC 35-51-9-1, AS AMENDED BY P.L.262-2013, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. The following statutes define crimes in IC 9:

IC 9-14-3.5-15 (Concerning bureau of motor vehicles).

IC 9-14-5-9 (Concerning parking placards for persons with physical disabilities).

IC 9-17-2-15 (Concerning certificates of title).

~~IC 9-17-2-16 (Concerning certificates of title).~~

~~IC 9-17-3-3.2 (Concerning certificates of title).~~

~~IC 9-17-3-7 (Concerning certificates of title).~~

~~IC 9-17-4-14 (Concerning special identification numbers).~~

~~IC 9-17-4-15 (Concerning special identification numbers).~~

~~IC 9-17-4-16 (Concerning special identification numbers).~~

~~IC 9-17-4-17 (Concerning identification numbers).~~

~~IC 9-17-4-18 (Concerning identification numbers).~~

~~IC 9-18-2-42 (Concerning motor vehicle registration and license plates).~~

IC 9-18-2-44 (Concerning motor vehicle registration and license plates).

IC 9-18-2-45 (Concerning motor vehicle registration and license plates).

IC 9-18-2.5-12 (Concerning off-road vehicles and snowmobiles).
~~IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).~~
~~IC 9-18-4-8 (Concerning motor vehicle registration and license plates).~~
~~IC 9-18-13-9 (Concerning motor vehicle registration and license plates).~~
IC 9-18-22-6 (Concerning motor vehicle registration and license plates).
~~IC 9-19-9-5 (Concerning motor vehicle equipment).~~
~~IC 9-19-10.5-4~~ **IC 9-19-10.5-2** (Concerning motor vehicle equipment).
~~IC 9-19-10.5-5~~ **IC 9-19-10.5-3** (Concerning motor vehicle equipment).
~~IC 9-20-18-4 (Concerning motor vehicle size and weight regulation).~~
IC 9-21-5-13 (Concerning traffic regulation).
IC 9-21-6-3 (Concerning traffic regulation).
IC 9-21-8-50 (Concerning traffic regulation).
IC 9-21-8-52 (Concerning traffic regulation).
IC 9-21-8-55 (Concerning traffic regulation).
IC 9-21-8-56 (Concerning traffic regulation).
IC 9-21-8-58 (Concerning traffic regulation).
~~IC 9-21-12-9 (Concerning traffic regulation).~~
~~IC 9-21-12-11~~ **IC 9-21-12-5** (Concerning traffic regulation).
IC 9-21-12-13 (Concerning traffic regulation).
IC 9-21-12-14 (Concerning traffic regulation).
IC 9-21-12-15 (Concerning traffic regulation).
IC 9-21-12-16 (Concerning traffic regulation).
IC 9-21-12-18 (Concerning traffic regulation).
IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap vehicles).
~~IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap vehicles).~~
~~IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap vehicles).~~
IC 9-22-5-18 (Concerning scrapping and dismantling vehicles).

IC 9-22-5-18.2 (Concerning buying a motor vehicle without a certificate of title).
IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).
~~IC 9-22-6-3 (Concerning mechanic's liens for vehicles).~~
~~IC 9-24-1-8~~ **IC 9-24-1-6** (Concerning driver's licenses).
~~IC 9-24-6-16 (Concerning driver's licenses).~~
IC 9-24-6-17 (Concerning driver's licenses).
IC 9-24-11-8 (Concerning driver's licenses).
~~IC 9-24-15-11 (Concerning driver's licenses).~~
IC 9-24-16-12 (Concerning ~~driver's licenses).~~ **identification cards).**
IC 9-24-16-12.5 (Concerning identification cards).
~~IC 9-24-16-13 (Concerning driver's licenses).~~
IC 9-24-18-1 (Concerning driver's licenses).
IC 9-24-18-2 (Concerning driver's licenses).
~~IC 9-24-18-7 (Concerning driver's licenses)~~.
IC 9-24-19-2 (Concerning driver's licenses).
IC 9-24-19-3 (Concerning driver's licenses).
~~IC 9-24-19-4 (Concerning driver's licenses).~~
~~IC 9-25-6-18 (Concerning financial responsibility).~~
IC 9-25-8-2 (Concerning financial responsibility).
~~IC 9-26-1-8~~ **IC 9-26-1-1.1** (Concerning accidents and accident reports).
~~IC 9-26-1-9 (Concerning accidents and accident reports).~~
~~IC 9-26-6-4~~ **IC 9-26-6-2** (Concerning accidents and accident reports).
~~IC 9-30-4-7 (Concerning licenses and registrations).~~
IC 9-30-4-8 (Concerning licenses and registrations).
~~IC 9-30-4-13 (Concerning licenses and registrations).~~
IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
IC 9-30-6-8.7 (Concerning implied consent).
IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).

IC 9-30-10-16 (Concerning habitual violator of traffic laws).
IC 9-30-10-17 (Concerning habitual violator of traffic laws).
~~IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).~~
IC 9-30-16-5 (Concerning driving privileges).
~~IC 9-31-2-26 (Concerning watercraft titling and registration).~~
~~IC 9-31-2-27 (Concerning watercraft titling and registration).~~
~~IC 9-31-2-28 (Concerning watercraft titling and registration).~~
IC 9-32-4-1 (Concerning certificates of title).
IC 9-32-6-13 (Concerning interim license plates).
~~IC 9-32-17-2 (Concerning certificates of title).~~
~~IC 9-32-17-3 (Concerning dealer license plates).~~
~~IC 9-32-17-4 (Concerning licensing of vehicle salvaging).~~
~~IC 9-32-17-5 (Concerning regulation of vehicle merchandising).~~
~~IC 9-32-17-6 (Concerning unfair practices by dealers).~~

P.L.218-2014
[H.1301. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning labor and safety.

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

SECTION 1. IC 4-13.6-3-3, AS AMENDED BY P.L.160-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:

(1) The director of engineering of the department of natural resources.
(2) The director.
(3) The **state** building ~~law compliance officer~~ **commissioner** of the department of homeland security.

(b) The board shall administer IC 4-13.6-4.

SECTION 2. IC 10-19-7-3, AS AMENDED BY P.L.1-2006,

SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The state fire marshal appointed under IC 22-14-2-2 shall do the following:

(1) Serve as a deputy executive director to manage the division.

(2) Administer the division.

(3) Provide staff to support the fire prevention and building safety commission established by IC 22-12-2-1.

(b) The state fire marshal may not exercise any powers or perform any duties specifically assigned to either of the following:

(1) The fire prevention and building safety commission.

(2) The ~~building law compliance officer.~~ **state building commissioner.**

(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff.

SECTION 3. IC 10-19-7-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) The division shall employ a building law compliance officer.~~

~~(b) An individual must be a design professional with not less than ten (10) years of experience in the building trades industry to be the building law compliance officer.~~

~~(c) The building law compliance officer shall administer the building safety laws (as defined in IC 22-12-1-3).~~

SECTION 4. IC 20-19-2-12, AS AMENDED BY P.L.146-2008, SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) The state board shall, in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. The nonbinding guidelines must include:

(1) preferred location and building practices for school corporations, including standards for enhancing health, student safety, accessibility, energy efficiency, operating efficiency, and instructional efficacy;

(2) guidelines concerning minimum acreage, cost per square foot or cost per ADM (as defined in IC 20-18-2-2), technology infrastructure, building materials, per student square footage, and other general space requirements, including space for academics,

administration and staff support, arts education and auditoriums, libraries, cafeterias, athletics and physical education, transportation facilities, and maintenance and repair facilities; and

(3) additional guidelines that the state board considers necessary for efficient and cost effective construction of school facilities.

The ~~building law compliance officer appointed under IC 10-19-7-4,~~ **state building commissioner,** the office of management and budget, and the department of local government finance shall, upon request of the board, provide technical assistance as necessary for the development of the guidelines.

(b) The state board shall annually compile, in a document capable of easy revision, the:

(1) guidelines described in subsection (a); and

(2) rules of the:

(A) fire prevention and building safety commission; and

(B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) A school corporation shall consider the guidelines adopted under subsection (a) when developing plans and specifications for a facility described in subsection (a). Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the division of fire and building safety for issuance of a design release under IC 22-15-3, a school corporation shall do the following:

(1) Submit the proposed plans and specifications to the department. Within thirty (30) days after the department receives the plans and specifications, the department shall:

(A) review the plans and specifications to determine whether they comply with the guidelines adopted under subsection (a); and

(B) provide written recommendations concerning the plans and specifications to the school corporation, which must include findings as to any material differences between the plans and specifications and the guidelines adopted under subsection (a).

(2) After the earlier of:

(A) receipt of the recommendations provided under

subdivision (1)(B); or

(B) the date that is thirty (30) days after the date the department received the plans and specifications under subdivision (1)(A);

issue a public document that describes the recommendations, if any, and any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board.

(3) After publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision (2) to identify any changes in the plans and specifications after the public document's initial preparation.

SECTION 5. IC 22-12-1-5, AS AMENDED BY P.L.72-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) "Class 2 structure" means any part of the following:

(1) A **townhouse or a** building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, including an above ground swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(b) Subsection (a) does not include a vehicular bridge.

(c) For purposes of subsection (a)(1), "townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit:

(1) extends from foundation to roof;

(2) is not more than three (3) stories in height;

(3) is separated from each adjoining unit by:

(A) two (2) one (1) hour fire-resistance rated walls with exposure from both sides; or

(B) a common two (2) hour fire-resistance rated wall; and

(4) has open space on at least two (2) sides.

SECTION 6. IC 22-12-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The commission may adopt rules under IC 4-22-2 setting a fee schedule for the following:

(1) Fireworks display permits issued under IC 22-11-14-2.

(2) Explosives magazine permits issued under IC 35-47.5-4.

(3) Design releases issued under IC 22-15-3 **and IC 22-15-3.2.**

(4) Certification of industrialized building systems and mobile structures under IC 22-15-4.

(5) Inspection of regulated amusement devices under IC 22-15-7.

(6) Application fees for variance requests under IC 22-13-2-11 and inspection fees for exemptions under IC 22-13-4-5.

(7) Permitting and inspection of regulated lifting devices under IC 22-15-5.

(8) Permitting and inspection of regulated boiler and pressure vessels under IC 22-15-6.

(9) Licensing of:

(A) boiler and pressure vessel inspectors under IC 22-15-6-5; and

(B) an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.

(10) Licensing of elevator contractors, elevator inspectors, and elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design

release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the statewide fire and building safety education fund established under section 3 of this chapter.

SECTION 7. IC 22-13-2-8.5, AS AMENDED BY P.L.142-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.5. (a) The commission shall adopt rules under IC 4-22-2 for outdoor event equipment at outdoor performances to protect the safety of persons at the outdoor performances. The commission may:

(1) exempt small assemblies of outdoor event equipment, as defined by the commission, from some or all fees or other requirements that otherwise would apply to outdoor event equipment under a rule adopted under this section or another building law; or

(2) establish alternative procedures, fees, or other requirements, or any combination, for small assemblies of outdoor event equipment, as defined by the commission.

(b) The commission may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to carry out subsection (a), including temporary rules concerning a schedule of fees for design releases or inspections, or both. A temporary rule adopted under this subsection expires on the earliest of the following:

(1) The date specified in the temporary rule.

(2) The date another temporary rule adopted under this subsection or a rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.

(3) January 1, 2016.

(c) Subject to this section, a city, town, or county that regulated outdoor event equipment before March 15, 2012, under an ordinance adopted before March 15, 2012, may, if the ordinance is in effect on March 15, 2012, continue to regulate outdoor event equipment under the ordinance after March 14, 2012, in the same manner that the city, town, or county applied the ordinance before March 15, 2012. However, a statewide code of fire safety laws or building laws governing outdoor event equipment that is adopted by the commission

under this section after March 14, 2012, takes precedence over any part of a city, town, or county ordinance that is in conflict with the commission's adopted code. The ordinances to which this section applies include Chapter 536 of the Revised Code of the Consolidated City and County Indianapolis/Marion, Indiana Codified through Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No. 27). A city, town, or county to which this subsection applies need not be certified or approved under IC 22-15-3-1 or another law to continue to regulate outdoor event equipment after March 14, 2012.

(d) This subsection applies to cities, towns, and counties described in subsection (c) and any other city, town, or county that, after March 14, 2012, adopts an ordinance governing outdoor event equipment that is approved by the commission or ~~a~~ **the state** building ~~law compliance officer.~~ **commissioner.** The city, town, or county shall require compliance with:

(1) the rules adopted under this section;

(2) orders issued under IC 22-13-2-11 that grant a variance to the rules adopted under this section;

(3) orders issued under IC 22-12-7 that apply the rules adopted under this section; and

(4) a written interpretation of the rules adopted under this section binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;

on both private and public property located within the boundaries of the city, town, or county, including, in the case of a consolidated city, the state fairgrounds. This subsection does not limit the authority of a unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce building laws and orders and written interpretations related to building laws.

SECTION 8. IC 22-13-5-2, AS AMENDED BY P.L.22-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Upon the written request of an interested person, the **state** building ~~law compliance officer in the department of homeland security may~~ **commissioner of the division of fire and building safety shall** issue a written interpretation of a building law or a fire safety law **not later than ten (10) business days after the date of receiving a request.** An interpretation issued by the **state** building ~~law compliance officer in the department of homeland security~~ **commissioner** must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The **state** building ~~law compliance officer in the department of homeland security may~~ **commissioner shall** issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

SECTION 9. IC 22-13-5-4, AS AMENDED BY P.L.22-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A written interpretation of a building law or fire safety law binds all counties and municipalities if the **state** building ~~law compliance officer in the department of homeland security~~ **commissioner** publishes the written interpretation of the building law or fire safety law in the Indiana Register under IC 4-22-7-7(b). For purposes of IC 4-22-7-7, a written interpretation of a building law or fire safety law published by the **state** building ~~law compliance officer in the department of homeland security~~ **commissioner** is considered adopted by an agency.

(b) A written interpretation of a building law or fire safety law published under subsection (a) binds all counties and municipalities until the earlier of the following:

(1) The general assembly enacts a statute that substantively changes the building law or fire safety law interpreted or voids the written interpretation.

(2) The commission adopts a rule under IC 4-22-2 to state a different interpretation of the building law or fire safety law.

(3) The written interpretation is found to be an erroneous interpretation of the building law or fire safety law in a judicial proceeding.

(4) The **state** building ~~law compliance officer in the department of homeland security~~ **commissioner** publishes a different written interpretation of the building law or fire safety law.

(c) The department or the state building commissioner may create an electronic data base for the purpose of cataloging all available variance rulings by the commission for the purpose of making the information available to the public on the Internet web site of the department or the state building commissioner.

SECTION 10. IC 22-15-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) The governor shall**

appoint a state building commissioner. The state building commissioner shall serve:

(1) at the pleasure of the governor; and

(2) as a full-time employee of the office.

(b) The state building commissioner must be a registered or licensed design professional under IC 25-4 or IC 25-31, as appropriate, with at least ten (10) years of experience in the building trades industry.

SECTION 11. IC 22-15-2-6, AS AMENDED BY P.L.1-2006, SECTION 384, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) To carry out the division's responsibilities, the division or an employee or another agent of the division may:

(1) exercise any program of supervision that is approved by the commission, if the responsibility involves the administration or enforcement of a building law;

(2) enter and inspect any property, at a reasonable hour;

(3) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13; and

(4) cooperate with law enforcement officers and political subdivisions that have jurisdiction over a matter.

(b) To carry out the **state** building ~~law compliance officer's~~ **commissioner's** responsibilities, the **state** building ~~law compliance officer~~ **commissioner** ~~may~~ **shall** issue a written interpretation of any building law under IC 22-13-5.

SECTION 12. IC 22-15-3-1, AS AMENDED BY P.L.22-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The **state** building ~~law compliance officer employed under IC 10-19-7-4~~ **commissioner** shall issue a design release for:

(1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and

(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(b) The **state** building ~~law compliance officer~~ **commissioner** may issue a design release based on a plan review performed by a city, town, or county if:

(1) the **state** building ~~law compliance officer~~ **commissioner** has

certified that the city, town, or county is competent; and

(2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

~~(c) For the purposes of subsection (c)(1), competency must be established by a test approved by the commission and administered by the division of education and information.~~

~~(d)~~ **(c)** A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b).

SECTION 13. IC 22-15-3-6, AS AMENDED BY P.L.1-2006, SECTION 388, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** Pending the completion of the review of an application, the division may issue:

(1) a design release for part of the construction proposed in an application, if that part of the construction qualifies for release under this chapter; or

(2) a provisional release for any part of the construction proposed in an application, under the conditions specified by the division.

(b) Issuance of a design release or provisional release under this section for any part of construction proposed in an application does not toll or affect the time limitations for completing the review of the application or providing notice under IC 22-15-3.2.

SECTION 14. IC 22-15-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.2. Design Releases

Sec. 1. As used in this chapter, "applicant" means a person who applies for a design release under IC 22-15-3.

Sec. 2. As used in this chapter, "application" means an application for a design release and any supporting plans and specifications.

Sec. 3. As used in this chapter, "design professional" means:

(1) an architect registered under IC 25-4-1; or

(2) a professional engineer registered under IC 25-31.

Sec. 4. As used in this chapter, "division" means the division of fire and building safety.

Sec. 5. Any notice required under this chapter may be provided:

(1) by mail; or

(2) by electronic mail, if the applicant provides an electronic mail address.

Sec. 6. An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the division.

Sec. 7. (a) A design release shall be issued to an applicant without a plan review if:

(1) the applicant submits a complete application; and

(2) the division does not select the application for a plan review under this section.

(b) The division may select any application for design release to be subject to a plan review. The division has complete discretion in the criteria used by the division to select a design release application for a plan review. A criterion used by the division may be whether the design professional has received disciplinary sanctions under IC 25-1-11-12 within the preceding five (5) years.

Sec. 8. Upon receiving a complete application for a design release, the division shall do one (1) of the following:

(1) Not later than ten (10) business days after the application is received, send written notice to the applicant that a design release will be issued. Not later than the next business day after the date the notice is sent, the division shall provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than ten (10) business days after the application is received, send written notice that a plan review will be conducted. However, if the applicant does not receive the notice within the period specified in this subdivision, the division shall, not later than the eleventh day after the date a complete application is received, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

Sec. 9. If the division sends an applicant notice of a plan review

under section 8(2) of this chapter within the period required, the division shall do one (1) of the following:

(1) Not later than twenty (20) business days after the date that notice of the plan review is sent, send notice to the applicant that the plans and specifications have been approved for a design release as submitted. The division shall, not later than the next business day after the date that notice is sent to the applicant, provide to the applicant:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than twenty (20) business days after the date that notice of the plan review is sent, send notice to the applicant that a design release will not be issued until the applicant submits corrections to the plans. However, if the applicant does not receive notice within the period specified in this subdivision, the division shall, not later than the twenty-first business day after the date that notice of a plan review is sent under section 10 of this chapter, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

Sec. 10. (a) If the division receives corrections to a plan in response to a notice sent under section 9(2) of this chapter, and any time the division receives corrections to a notice under subdivision (2) thereafter, the division shall do one (1) of the following:

(1) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that the corrected plans have been approved for a design release as submitted. The division shall, not later than the next business day after the date that notice is sent to the applicant, provide to the applicant:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than ten (10) business days after receiving the

corrections, send notice to the applicant that a design release will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the notice within the period specified in this subdivision, the division shall, not later than the eleventh business day after the date that the corrections are received by the division, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(b) A review under this section is limited to the corrections required by the division pursuant to notice sent under section 9(2) of this chapter or subsection (a)(2). All other parts of a project not directly related to corrections required by the division, including previously completed corrections that the division has already accepted, are deemed approved for a design release and may not be included in subsequent notice requests sent under this section. Except for a project reviewed under IC 22-15-3-6 and subject to the deadlines set forth in this chapter, the division may delay issuing a design release until all corrections to a project have been accepted by the division.

Sec. 11. (a) This section applies if the results of a plan review reveal that a design professional knowingly or recklessly submitted plans or specifications containing one (1) or more violations of the rules of the commission that are determined by the division and the commission to pose a wanton and willful disregard for the public health, safety, or welfare.

(b) The provisions regarding the time limitations for review and notice under this chapter do not apply, and the division is not required to issue a design release and confirmation number for providing notice. The division shall send written notice of its determination to:

(1) the design professional's licensing or registration authority under IC 25-4-1 or IC 25-31, as appropriate, for the purpose of conducting a hearing under IC 4-21.5 to determine if action under IC 4-21.5-3-8 is appropriate;

(2) the design professional; and

(3) the project owner or general contractor on whose behalf

the application was submitted.

(c) An applicant that receives notice under subsection (b) may withdraw the application and submit a new application and plans to the division that are prepared by a different design professional. Withdrawal of an application does not affect any disciplinary action against the professional of record that prepared the plans described in subsection (a).

Sec. 12. (a) The division shall maintain the following information for every application:

(1) The type of project that is the subject of the application.

(2) The name and profession of the design professional.

(3) The location of the project.

(4) The date the application was submitted to the division.

(5) Whether the application was selected for plan review.

(6) If the application was selected for a review:

(A) whether the division requested corrections to the plans and specifications;

(B) the dates that corrections were requested by the division; and

(C) the dates that the applicant responded to the requests under clause (B).

(7) Whether a design release was issued by the division. The date a design release was issued (if any) or other final action was taken.

(8) Any other significant plan review activity related to an application.

(b) The division shall maintain the information described in subsection (a) in a single electronic file in a format that permits easy comparison of the information for each applicant. The division shall update the information at least quarterly.

Sec. 13. The division may contract with a person or an entity to perform the division's plan review responsibilities under this chapter.

SECTION 15. IC 22-15-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.3. Local Plan Review by Units

Sec. 1. As used in this chapter, "applicant" means a person who submits an application for a local plan review.

Sec. 2. As used in this chapter, "application" means an application for a local plan review and any supporting plans and specifications.

Sec. 3. As used in this chapter, "construction activity" refers to any physical improvements to real property undertaken for the purpose of constructing a Class 1 structure that is subject to a local plan review.

Sec. 4. As used in this chapter, "unit" means a county, city, or town.

Sec. 5. Nothing in this chapter may be interpreted as allowing a local plan review to supersede or otherwise impact any laws or rules concerning a plan review conducted by the state of Indiana.

Sec. 6. Any notice required under this chapter may be provided:

(1) by mail; or

(2) by electronic mail, if the applicant provides an electronic mail address.

Sec. 7. (a) Upon receiving a complete application for a local plan review, the unit shall do one (1) of the following not later than twenty (20) business days after the application is received:

(1) Send written notice to the applicant that the unit does not require any corrections to the application and remove any related prohibition to construction activity that is conditioned on a local plan review.

(2) Send written notice to the applicant that corrections are required to the application.

(b) If the unit receives corrections to an application in response to a notice sent under subsection (a)(2), the unit shall do one (1) of the following not later than ten (10) business days after the corrections are received:

(1) Send written notice to the applicant that all requested corrections have been successfully addressed and remove any related prohibition to construction activity that is conditioned on a local plan review.

(2) Send written notice to the applicant that the unit has not accepted one (1) or more of the corrections included in the notice provided under subsection (a)(2) and that corrections are required to the application.

(c) If the unit receives corrections in response to a notice sent under subsection (b)(2), and any time the unit receives corrections

in response to a notice under subdivision (2) thereafter, the unit shall do one (1) of the following not later than ten (10) business days after the corrections are received:

(1) Send written notice to the applicant that all requested corrections have been successfully addressed and remove any related prohibition to construction activity that is conditioned on a local plan review.

(2) Send written notice to the applicant that one (1) or more of the corrections included in the notice sent under subsection (b)(2) have not been accepted and that further corrections are required to the application.

Sec. 8. A unit may not prohibit construction activity if the unit fails to provide any notice required under this chapter.

Sec. 9. A local plan review under section 7(c)(2) of this chapter is limited to the corrections required by the unit pursuant to notice sent under section 7(a)(2) of this chapter or any subsequent notices sent under section 7(b)(2) or 7(c)(2) of this chapter. All other parts of a project not directly related to corrections included in a notice sent under these sections, including previously completed corrections that the unit has already accepted, are deemed accepted and may not be included in subsequent notice requests sent under this section.

SECTION 16. IC 22-15-6-4, AS AMENDED BY P.L.1-2006, SECTION 398, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) As used in this chapter, "inspection agency" means:

(1) an insurance company inspection agency; or

(2) an owner or user inspection agency;

licensed under section 6 of this chapter.

(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:

(1) An inspection required by ~~section 3~~ **section 2** of this chapter.

(2) The issuance of a permit under ~~section 3~~ **section 2** of this chapter.

(3) The issuance of an appropriate order under IC 22-12-7 when an equipment law has been violated.

(c) The authority of an inspector acting under this chapter is limited

to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.

(d) Unless an annual report is substituted under subsection (e), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the ~~division~~ **office** the report required by the rules board. In addition to any other information required by the rules board, the inspector conducting the inspection shall cite on the report any violation of the equipment law applicable to the regulated boiler or pressure vessel.

(e) In the case of boilers or pressure vessels inspected by an owner or user inspection agency, an annual report filed on or before the annual date as the rules board may prescribe for each report may be substituted. An annual report of an owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period, the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the rules board. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported, swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws.

(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).

(g) In addition to the reports required by subsections (d) and (e), an owner, a user, or an inspection agency shall immediately notify the division when an incident occurs to render a boiler or pressure vessel inoperative.

(h) An inspection agency, an owner, or a user that violates this section is subject to a disciplinary action under IC 22-12-7.

SECTION 17. IC 25-4-1-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 33. The board shall send written notice to the division of fire and building safety established by IC 10-19-7-1 of the determination of the board in a disciplinary action against an architect under IC 25-1-11. The board shall send the notice not later than three (3) business days after the date of the board's determination.**

SECTION 18. IC 25-31-1-36 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 36. The board shall send written notice to the division of fire and building safety established by IC 10-19-7-1 of the determination of the board in a disciplinary action against an engineer under IC 25-1-11. The board shall send the notice not later than three (3) business days after the date of the board's determination.**

SECTION 19. IC 36-1-10-10, AS AMENDED BY P.L.1-2006, SECTION 552, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A lessor proposing to build, acquire, improve, remodel, or expand a structure for lease to a political subdivision or agency shall submit plans, specifications, and estimates to the leasing agent before executing a lease. The leasing agent shall submit the plans and specifications to the division of fire and building safety or the **state** building ~~law compliance officer,~~ **commissioner,** and other agencies designated by law.

(b) A lessor proposing to acquire a transportation project or system may enter into a lease without submitting plans, designs, or specifications to any political subdivision or agency. However, before the execution of the lease, the lessor must submit to the lessee or lessees an estimate of the cost and a description of the transportation project or system.

SECTION 20. IC 36-1-22 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22. Regulation of Builders or Remodelers

Sec. 1. As used in this chapter, "builder" means a person engaged in constructing new homes.

Sec. 2. As used in this chapter, "person" means an individual, firm, limited liability company, corporation, association, or other legal entity.

Sec. 3. As used in this chapter, "remodeler" means a person engaged in altering, repairing, restoring, maintaining, or modifying an existing residential dwelling.

Sec. 4. As used in this chapter, "residential dwelling" means a building or part of a building occupied by or intended for the occupancy of one (1) or more individuals. The term does not

include a residential dwelling that is owned by the political subdivision.

Sec. 5. After February 28, 2013, a political subdivision may not adopt an ordinance, rule, policy, or other requirement providing that a builder or remodeler must be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler:

(1) constructing a new residential dwelling; or

(2) remodeling an existing residential dwelling.

Sec. 6. This chapter does not do any of the following:

(1) Void an ordinance, rule, policy, or other requirement of a political subdivision adopted before March 1, 2013.

(2) Prohibit a political subdivision from doing any of the following:

(A) Requiring a person who engages in a specific building or construction trade, including an electrician, a plumber, a tile layer, a landscaper, or a practitioner of another specific trade, to be licensed, permitted, registered, or listed by the political subdivision before engaging in the specific building or construction trade.

(B) Issuing building permits, septic system permits, certificates of appropriateness, zoning approvals, plat approvals, and other permits and approvals that regulate the use, planning, and development of property.

SECTION 21. P.L.149-2013, SECTION 3, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~SECTION 3. (a) As used in this SECTION, "builder" means a person engaged in constructing new homes.~~

~~(b) As used in this SECTION, "person" means an individual, firm, limited liability company, corporation, association, or other legal entity.~~

~~(c) As used in this SECTION, "remodeler" means a person engaged in altering, repairing, restoring, maintaining, or modifying an existing residential dwelling.~~

~~(d) As used in this SECTION, "residential dwelling" means a building or part of a building occupied by or intended for the occupancy of one (1) or more individuals. The term does not include a residential dwelling that is owned by the political subdivision.~~

~~(e) After February 28, 2013, a political subdivision may not adopt~~

~~an ordinance, rule, policy, or other requirement providing that a builder or remodeler must be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler:~~

~~(1) constructing a new residential dwelling; or~~

~~(2) remodeling an existing residential dwelling.~~

~~(f) This SECTION does not do any of the following:~~

~~(1) Void an ordinance, rule, policy, or other requirement of a political subdivision adopted before March 1, 2013.~~

~~(2) Prohibit a political subdivision from doing any of the following:~~

~~(A) Requiring a person who engages in a specific building or construction trade, including an electrician, a plumber, a tile layer, a landscaper, or a practitioner of another specific trade, to be licensed, permitted, registered, or listed by the political subdivision before engaging in the specific building or construction trade.~~

~~(B) Issuing building permits, septic system permits, certificates of appropriateness, zoning approvals, plat approvals, and other permits and approvals that regulate the use, planning, and development of property.~~

~~(g) This SECTION expires July 1, 2015.~~

SECTION 22. **An emergency is declared for this act.**

P.L.219-2014
[H.1307. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 6-1.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. As used in this chapter, "geo-referenced" means a photo with a minimum horizontal accuracy of plus or minus six (6) meters at one (1) meter resolution.**

SECTION 2. IC 6-1.1-6-9, AS AMENDED BY P.L.57-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and (c), a person who:

(1) wishes to have a parcel of land classified as native forest land, a forest plantation, or wildlands; or

(2) submits a revised application due to:

(A) the partial withdrawal of existing classified land;

(B) division of the parcel related to a conveyance; or

(C) the combination of contiguous lands;

must have the parcel described by a professional surveyor. The parcel must be described by metes and bounds or other professionally accepted practices and must locate the parcel with reference to an established corner. In addition, the description must identify the parcel by section, township, range, and county references. The professional surveyor shall prepare plats of the parcel in ink, and the professional surveyor shall prepare the plats on the scale, and in the number, prescribed by the department of natural resources.

(b) The professional surveyor may use ~~an~~ **a geo-referenced** aerial photograph in order to prepare a description of the parcel. However, the professional surveyor's description must be accurate, and it must meet

the requirements specified in subsection (a). If ~~an~~ **a geo-referenced** aerial photograph is used, that fact shall be noted on the application referred to in section 11 of this chapter.

(c) The natural resources commission may adopt rules to allow other means ~~to describe and plat a parcel~~ **of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands** under this section **provided that the means do not result in a real property description of the parcel.**

SECTION 3. IC 6-6-11-9, AS AMENDED BY P.L.146-2008, SECTION 356, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A boat is exempt from the boat excise tax imposed for a year if the boat is:

(1) owned by the United States;

(2) owned by the state or one (1) of its political subdivisions (as defined in IC 36-1-2-13);

(3) owned by an organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code;

(4) a human powered vessel, as determined by the department of natural resources;

(5) held by a boat manufacturer, distributor, or dealer for sale in the ordinary course of business;

(6) used by a person for the production of income and subject to assessment under IC 6-1.1;

(7) stored in Indiana for less than twenty-two (22) consecutive days and not operated, used, or docked in Indiana;

(8) **except as provided in subdivision (9),** registered outside Indiana and operated, used, or docked in Indiana for a combined total of less than twenty-two (22) consecutive days during the boating year;

(9) a motorboat (as defined by IC 9-13-2-103.5) and is registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days; or

~~(9)~~ **(10)** subject to the commercial vessel tonnage tax under IC 6-6-6.

SECTION 4. IC 6-6-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) For a boat which has been acquired, or brought into Indiana, or for any other reason

becomes subject to the excise tax after the regular annual tax payment date in the boating year on or before which the owner is required to pay the tax on boats under this chapter, the tax imposed by this chapter shall become due and payable no later than:

(1) the thirty-second day after the boat is operated in Indiana, if the boat is registered in Indiana; ~~or~~

(2) **except as provided in subdivision (3),** the twenty-second consecutive day during the boating year that the boat is:

(A) stored in Indiana; or

(B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana; **or**

(3) the one hundred eighty-first day that the motorboat (as defined by IC 9-13-2-103.5) is docked on the Indiana part of Lake Michigan if the motorboat is registered outside Indiana.

(b) The amount of excise tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month which has elapsed since the regular annual tax payment date in the year fixed by the bureau of motor vehicles for tax payment by the owner.

SECTION 5. IC 14-8-2-5.7, AS ADDED BY P.L.86-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.7. "All-terrain vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is fifty (50) inches or less in width;

(2) has a dry weight of twelve hundred (1,200) pounds or less;

(3) is designed for travel on at least three (3) nonhighway or off-highway tires; **and**

(4) is designed for recreational use by one (1) or more individuals.

~~(5) has a seat or saddle designed to be straddled by the operator; and~~

~~(6) has handlebars for steering control.~~

The term includes parts, equipment, or attachments sold with the vehicle.

SECTION 6. IC 14-8-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. "Boundary waters", for purposes of **IC 14-9-9 and** IC 14-22, means the following:

(1) The part of the Wabash River that forms the boundary between Illinois and Indiana.

(2) The part of the Ohio River that forms the boundary between Kentucky and Indiana.

(3) The part of the Great Miami River that forms the boundary between Ohio and Indiana.

(4) The part of Lake Michigan that is under the jurisdiction of Indiana.

(5) The lakes other than Lake Michigan that are on the boundary between Indiana and bordering states.

SECTION 7. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49.2. ~~(a)~~ "Compact", for purposes of ~~IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(8).~~

~~(b) "Compact", for purposes of~~ IC 14-25-15, has the meaning set forth in IC 14-25-15-1.

SECTION 8. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 86.5. "Executive committee", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(7).~~

SECTION 9. IC 14-8-2-107, AS AMENDED BY P.L.133-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

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

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

(8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in

IC 14-13-2-3.
(10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.
(11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.
(12) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
(13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.
(14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.
(15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.
(16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.
(17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.
(18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.
~~(19) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).~~
~~(20)~~ **(19)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.
~~(21)~~ **(20)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.
~~(22)~~ **(21)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.
~~(23)~~ **(22)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.
~~(24)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.
~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.
~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.
~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.
~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in

IC 14-33-21-1.

~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 10. IC 14-8-2-117, AS AMENDED BY P.L.225-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(6).~~

~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in IC 14-28-5-3.

SECTION 11. IC 14-8-2-118.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 118.5. "Guide services", for purposes of IC 14-22-38-6, has the meaning set forth in IC 14-22-38-6.**

SECTION 12. IC 14-8-2-203, AS AMENDED BY P.L.17-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following meaning:~~

~~(1) Except as provided in IC 14-24-4.5,~~ for purposes of IC 14-24, means:

~~(A)~~ **(1)** an arthropod;

~~(B)~~ **(2)** a nematode;

~~(C)~~ **(3)** a microorganism;

~~(D)~~ **(4)** a fungus;

~~(E)~~ **(5)** a parasitic plant;

~~(F)~~ **(6)** a mollusk;

~~(G)~~ **(7)** a plant disease; or

~~(H)~~ **(8)** an exotic weed;

that may be injurious to nursery stock, agricultural crops, other vegetation, natural resources, or bees.

~~(2) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(4).~~

SECTION 13. IC 14-8-2-233.5, AS ADDED BY P.L.86-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 233.5. "Recreational off-road vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is ~~sixty-four (64)~~ **sixty-five (65)** inches or less in width;

(2) has a dry weight of two thousand (2,000) pounds or less;

(3) is designed for travel on at least four (4) nonhighway or off-highway tires; **and**

(4) is designed for recreational use by one (1) or more individuals.

~~(5) has a nonstraddle seat or saddle; and~~

~~(6) has a steering wheel for steering control.~~

SECTION 14. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 239.5. "Requesting state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(2).~~

SECTION 15. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 242.5. "Responding state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(3).~~

SECTION 16. IC 14-8-2-265, AS AMENDED BY P.L.225-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 265. "State", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(1).~~

~~(2)~~ for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means the following:

~~(A)~~ **(1)** The Indiana state government.

~~(B)~~ **(2)** An agency, a subdivision, an officer, a board, a bureau, a commission, a department, a division, or an instrumentality of the state.

SECTION 17. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The counties with special boat patrol needs fund is established exclusively to provide grants to certain counties to provide law enforcement services on lakes **or boundary waters** located within the counties.

(b) The department shall administer the fund. Money in the fund includes money transferred from the conservation officers marine enforcement fund (IC 14-9-8-21.5). Money in the fund is annually appropriated to the department and shall be used exclusively for the enforcement of laws pertaining to watercraft on lakes **or boundary waters** located in counties with special boat patrol needs as described in this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 18. IC 14-9-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The department shall develop a formula for the distribution of grants from the fund. The formula must take into account at least the following factors:

(1) The number of lakes **or boundary waters** located within the county.

(2) The extent of boat usage for each lake **or boundary waters** in the county.

(3) The total number of acres of lake **or boundary waters** surface within the county.

(4) The extent to which law enforcement services on the lakes **or boundary waters** located within the county are provided by the county.

(5) Any other pertinent factor that affects the extent to which law enforcement services are provided on lakes **or boundary waters** located within the county.

SECTION 19. IC 14-9-9-7, AS AMENDED BY P.L.217-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. For a county to be eligible to receive a grant from the fund, each year in which a grant is sought the following must occur:

(1) The county sheriff must submit to the fiscal body an estimated budget request to provide special needs boat patrol on lakes **or boundary waters** located within the county. If the county sheriff

does not request a grant from the fund, the fiscal body may complete an estimated budget.

(2) If the budget request is approved, the fiscal body must timely apply to the department, on forms provided by the department, for a grant under this chapter.

(3) The department must certify the information on the application and, based on the formula developed under section 6 of this chapter, determine:

(A) whether the county may receive a grant; and

(B) the amount of the grant the county may receive;

under this chapter.

SECTION 20. IC 14-9-9-8, AS AMENDED BY P.L.217-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) If a county is awarded a grant under this chapter, the county must establish a special account within the county's general fund. The grant must be deposited in the special account for the county sheriff's or fiscal body's exclusive use in providing law enforcement services on lakes **or boundary waters** located within the county.

(b) The county sheriff or fiscal body may use grant money as authorized under this chapter without appropriation. However, itemized receipts for expenditures of money granted from the fund must be submitted for inspection and review upon request of the department. At the request of the department, the county auditor of the participating county shall conduct an audit of the account.

(c) The receipt of a grant under this chapter may not be used as a basis for lowering the county's maximum permissible ad valorem property tax levy.

(d) All individuals providing law enforcement services using a grant under this chapter, whether under the authority of the county sheriff or under a contract with the fiscal body, must meet the minimum training requirement set forth in IC 5-2-1-9.

SECTION 21. IC 14-9-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The department shall adopt rules under IC 4-22-2 to implement this chapter, including rules governing:

(1) the deadlines for applying for a grant under this chapter; and

(2) the types of expenses incurred by a county sheriff's department

in providing the law enforcement services on lakes **or boundary waters** in the county for which grant money may be used.

SECTION 22. IC 14-19-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10.3. Recreational Trail Maintenance Fund

Sec. 1. The following definitions apply throughout this chapter:

(1) "Fund" refers to the recreational trail maintenance fund established by section 2 of this chapter.

(2) "Recreational trail" has the meaning set forth in IC 8-4.5-1-16.

(3) "Responsible party" has the meaning set forth in IC 8-4.5-1-17.

Sec. 2. (a) The recreational trail maintenance fund is established for the purpose of receiving money from the sources listed in subsection (b) for ultimate distribution to responsible parties to defray the costs of maintaining recreational trails. The department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(3) Federal grants or other federal appropriations.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 23. IC 14-22-6-13, AS AMENDED BY P.L.140-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~(a)~~ If the director:

(1) determines that a species of wild animal present within a state park poses an unusual hazard to the health or safety of one (1) or more individuals;

(2) determines, based upon the opinion of a professional biologist, that it is likely that:

(A) a species of wild animal present within a state park will cause obvious and measurable damage to the ecological balance within the state park; and

(B) the ecological balance within the state park will not be maintained unless action is taken to control the population of the species within the state park; or

(3) is required under a condition of a lease from the federal government to manage a particular wild animal species;

the director shall ~~establish a controlled hunt for the~~ **authorize the taking of a** species within the state park **under rules adopted under IC 4-22-2.**

~~(b) An order issued by the director under this section must set forth the conditions of the hunt.~~

~~(c) The director may issue an order under this section under IC 4-21.5-4.~~

SECTION 24. IC 14-22-9-11, AS AMENDED BY P.L.151-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, "motorboat" means a watercraft propelled by:

(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or

(2) any mechanical means.

The term does not include a personal watercraft.

(b) The ~~department~~ **director** shall establish and implement a **demonstration** program for the purpose of containing and reducing invasive animal species in the Wabash River. In administering this program, the ~~department~~ **director** may **do any of the following:**

(1) Allow the taking of a specific invasive animal species by a means described in section 1(a)(2) of this chapter.

(2) ~~may~~ Require the use of ammunition described in 50 CFR 20.21(j). ~~or~~

(3) Require a hunting or fishing license under IC 14-22-12-1.

(4) Allow the taking of a specific invasive animal species to be taken from a motorboat.

(5) Establish any other limitations concerning the time, place, or participants of a demonstration program.

(c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this section.

SECTION 25. IC 14-22-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who, whether or not the person has been issued a certificate of approval, license, permit, or other document of approval authorized by this article or any other Indiana law, discharges, sprays, or releases waste materials, chemicals, or other substances:

(1) either accidentally, negligently, or willfully;

(2) in any quantity, concentration, or manner onto or in any water of Indiana, the boundary waters of the state, or onto or in public or private land; and

(3) so that wild animals are killed as a result;

is responsible for the kill.

(b) The director shall, in the name of the state, recover damages, **including the cost of restoration,** from the person. Upon receipt of the estimates of the damages caused, the director shall notify the ~~attorney general.~~ **person responsible within ninety (90) days after the kill to the wild animals, and the director may enter into a proper and reasonable settlement with the person. In determining the damages caused, the director may consider the following:**

(1) The direct value of the wild animals killed.

(2) The direct value of law enforcement costs, including wages of investigating officers, cost of any materials used, and travel expenses.

(3) The value of damage to habitat, including injured vegetation, contaminated sediment, and dead invertebrate prey species.

(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars ($5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):

(1) The decreased value of the habitat for the number of years necessary for the habitat to recover to predamaged conditions.

(2) The value of lost recreational fishing and hunting time, including future decreased value for the number of years necessary for the recreational use to recover to predamaged conditions.

~~(c) The attorney general shall notify the persons responsible for the destruction of wild animals in question and may effect a settlement that~~

~~the attorney general and the director consider proper and reasonable.~~

(d) If a settlement is not reached within a reasonable time, the ~~attorney general~~ **department** shall ~~bring a civil action to recover the damage in an appropriate court in the county in which the discharge of material responsible for the death of wild animals took place.~~ **initiate a proceeding under IC 4-21.5 and IC 14-10-2 to recover damages.**

~~(d)~~ **(e)** The proceeds of a recovery shall be used to replace, as far as and as promptly as possible, in whatever manner the director considers proper, the wild animal population or habitat in the waters or lands in question. If the improvement of the wild animal population or habitat in question is not practicable, the proceeds shall be deposited into the fish and wildlife fund.

SECTION 26. IC 14-22-12-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a) Subject to the commission adopting fees under subsection (b), the department may issue to residents of Indiana lifetime licenses to hunt, fish, or trap.**

(b) The commission may adopt rules under IC 4-22-2 and IC 14-10-2-4 to establish fees for lifetime licenses to hunt, fish, or trap.

SECTION 27. IC 14-22-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 24.5. Dog Training Ground Permit

Sec. 1. The department may issue a dog training ground permit without charge to a person to train dogs at any time of year inside or outside of an enclosure under rules adopted under IC 4-22-2 for the protection of wild animals.

Sec. 2. An enclosure used under this chapter does not constitute possession of the wild animal if the enclosure does not meet the requirements for an enclosure for that species under:

(1) a game breeder's license issued under IC 14-22-20; or

(2) a wild animal permit issued under IC 14-22-26.

SECTION 28. IC 14-22-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The director may issue to a person that owns or has an interest in property:

(1) being damaged; ~~or~~

(2) threatened with damage; **or**

(3) on which a health or safety threat to persons or domestic animals is posed;

by a wild animal protected by this article a free permit to take ~~kill, or capture~~ the wild animal.

SECTION 29. IC 14-22-28-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The director may have an investigation made of a complaint that wild animals are causing damage **or posing a health or safety threat to persons or domestic animals.** If it is found that:

(1) the damage has not been caused by wild animals; or

(2) the person ~~would abuse the privileges;~~ **has not complied with the requirements under this chapter or a rule adopted under this chapter;**

a permit shall be denied **according to the procedures in IC 4-21.5.**

SECTION 30. IC 14-22-31-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. Upon receipt of a license, the licensee shall post the licensed area at intervals of not more than five hundred (500) feet with signs to be prescribed by rule. The boundaries of the shooting preserve shall be clearly defined by fences of at least one (1) strand of wire.~~

SECTION 31. IC 14-22-38-6, AS AMENDED BY P.L.158-2013, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) As used in this section, "guide services" means fishing or hunting guide or outfitter services that are offered or provided for money or other consideration.**

~~(a)~~ **(b)** As used in this section, "sell" includes barters, purchases, and offers to sell, barter, or purchase.

~~(b)~~ **(c)** As used in this section, "ship" includes transporting, delivering for shipment or transport, and causing to be shipped or transported.

~~(c)~~ **(d)** As used in this section, "wild animal" includes the following:

(1) A living or dead wild animal.

(2) A part of a living or dead wild animal.

~~(d)~~ **(e)** A person who knowingly or intentionally:

(1) sells or ships wild animals, nests, or eggs; **or**

(2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of

less than five hundred dollars ($500) commits a Class C misdemeanor.

~~(e)~~ **(f)** A person who knowingly or intentionally:

(1) sells or ships wild animals, nests, or eggs; **or**

(2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of at least five hundred dollars ($500) but less than five thousand dollars ($5,000) commits a Level 6 felony.

~~(f)~~ **(g)** A person who knowingly or intentionally:

(1) sells or ships wild animals, nests, or eggs; **or**

(2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of at least five thousand dollars ($5,000) commits a Level 5 felony.

SECTION 32. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Pest Control Compact).

SECTION 33. IC 14-28-1-22, AS AMENDED BY P.L.76-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the seven and one-half (7 1/2) minute topographic quadrangle map published by the United States Geological Survey, measured along the meanders of the stream as depicted on the map.

(b) This section does not apply to the following:

(1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or an open regulated drain if the total length of the stream or open drain is not more than ten (10) miles.

(2) A construction or reconstruction project on a state or county highway bridge in a rural area that crosses a stream having an upstream drainage area of not more than fifty (50) square miles and the relocation of utility lines associated with the construction or reconstruction project if confined to an area not more than one hundred (100) feet from the limits of the highway construction right-of-way.

(3) The performance of an activity described in subsection (c)(1)

or (c)(2) by a surface coal mining operation that is operated under a permit issued under IC 14-34.

(4) Any other activity that is determined by the commission, according to rules adopted under IC 4-22-2, to pose not more than a minimal threat to floodway areas.

(5) An activity in a boundary river floodway to which section 26.5 of this chapter applies.

(6) The removal of a logjam or mass of wood debris that has accumulated in a river or stream, subject to the following conditions:

(A) Work must not be within a salmonid stream designated under 327 IAC 2-1.5-5 without the prior written approval of the department's division of fish and wildlife.

(B) Work must not be within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.

(C) Except as otherwise provided in Indiana law, free logs or affixed logs that are crossways in the channel must be cut, relocated, and removed from the floodplain. Logs may be maintained in the floodplain if properly anchored or otherwise secured so as to resist flotation or dislodging by the flow of water and placement in an area that is not a wetland. Logs must be removed and secured with a minimum of damage to vegetation.

(D) Isolated or single logs that are embedded, lodged, or rooted in the channel, and that do not span the channel or cause flow problems, must not be removed unless the logs are either of the following:

(i) Associated with or in close proximity to larger obstructions.

(ii) Posing a hazard to navigation.

(E) A leaning or severely damaged tree that is in immediate danger of falling into the waterway may be cut and removed if the tree is associated with or in close proximity to an obstruction. The root system and stump of the tree must be left in place.

(F) To the extent practicable, the construction of access roads must be minimized, and should not result in the elevation of the floodplain.

(G) To the extent practicable, work should be performed exclusively from one (1) side of a waterway. Crossing the bed of a waterway is prohibited.

(H) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.

(I) Within fifteen (15) days, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.

(c) A person who desires to:

(1) erect, make, use, or maintain a structure, an obstruction, a deposit, or an excavation; or

(2) suffer or permit a structure, an obstruction, a deposit, or an excavation to be erected, made, used, or maintained;

in or on a floodway must file with the director a verified written application for a permit accompanied by a nonrefundable fee of two hundred dollars ($200).

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

(e) An applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if in the opinion of the director the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not do any of the following:

(1) Adversely affect the efficiency of or unduly restrict the capacity of the floodway.

(2) Constitute an unreasonable hazard to the safety of life or property.

(3) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(f) In deciding whether to issue a permit under this section, the director shall consider the cumulative effects of the structure, obstruction, deposit, or excavation. The director may incorporate in and make a part of an order of authorization conditions and restrictions that the director considers necessary for the purposes of this chapter.

(g) A permit issued under this section:

(1) is ~~void if construction is not commenced within~~ **valid for** two (2) years after the issuance of the permit; and

(2) to:

(A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or

(B) an electric utility for the construction of a power generating facility;

is valid for five (5) years from the date of issuance. ~~and remains valid indefinitely if construction is commenced within five (5) years after the permit is issued.~~

A permit that is active and was issued under subdivision (1) before July 1, 2014, is valid for two (2) years beginning July 2014, and a permit that is active and was issued under subdivision (2) before July 1, 2014, is valid for five (5) years beginning July 2014.

(h) A permit issued under this section may be renewed one (1) time for a period not to exceed two (2) additional years.

~~(h)~~ **(i)** The director shall send a copy of each permit issued under this section to each river basin commission organized under:

(1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

(2) IC 14-30-1 or IC 36-7-6 (before its repeal);

that is affected.

~~(i)~~ **(j)** The permit holder shall post and maintain a permit issued under this section at the authorized site.

~~(j)~~ **(k)** For the purposes of this chapter, the lowest floor of a building, including a residence or abode, that is to be constructed or reconstructed in the one hundred (100) year floodplain of an area protected by a levee that is:

(1) inspected; and

(2) found to be in good or excellent condition;

by the United States Army Corps of Engineers shall not be lower than the one hundred (100) year frequency flood elevation plus one (1) foot.

SECTION 34. IC 14-28-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. A person who knowingly fails to comply with section ~~22(i)~~ **22(j)** of this chapter commits a Class B infraction. Each day a person violates section ~~22(i)~~ **22(j)** of this chapter constitutes a separate infraction.

SECTION 35. IC 25-21.5-1-7, AS AMENDED BY SEA 24-2014, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

(1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and

(2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.

(b) Professional services provided under the practice of surveying include consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any of the following:

(1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.

(2) Determining the size and shape of the earth, or any point on the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.

(3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.

(4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.

(5) Making any survey or preparing any plat for the subdivision of any tract of land.

(6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.

(7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an

attorney who is licensed to practice law in Indiana.

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

(A) dependent on;

(B) in specific relation to; or

(C) in close proximity to;

a boundary, ~~or~~ property line, or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.

(c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:

(1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.

(2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

(A) Geodetic control.

(B) Orthoimagery.

(C) Elevation and bathymetry.

(D) Fixed works.

(E) Government boundaries.

(F) Cadastral information.

(3) Certification of positional accuracy of maps or measured survey data.

(4) Measurement, adjustment, and authoritative interpretation of raw survey data.

(5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

(6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.

(7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.

(8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

(A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

(B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;

(C) prepared for or by educational institutions for use in the curriculum of any course of study;

(D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or

(E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.

(2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.

(3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastres, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastre, if the data are clearly not intended to authoritatively represent property boundaries.

(4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar documents.

(5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.

(6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(7) Maps, cross-sections, graphics, and data bases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists,

archeologists, historians, or other persons qualified to document and interpret the data in the context of their respective practices.

(8) Maps and geo-referenced data bases depicting physical features and events prepared by any government agency if the access to that data is restricted by statute, including geo-referenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(9) Classified parcels developed in accordance with IC 6-1.1-6-9(c).

(e) The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of surveying as defined in this section may be performed only under the direct control and supervision of a professional surveyor or professional photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.

(f) The practice of surveying encompasses a number of disciplines, including geodetic surveying, hydrographic surveying, cadastral surveying, construction staking, route surveying, photogrammetric surveying, and topographic surveying. A professional surveyor may practice only within the surveyor's area of expertise.

SECTION 36. IC 36-7-13.5-11, AS AMENDED BY P.L.197-2011, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The commission ~~shall~~ **may** do the following:

(1) Identify qualifying properties.

(2) Prepare a comprehensive environmental master plan for development and redevelopment within the corridor that:

(A) plans for remediation of environmental contamination;

(B) accounts for economic development and transportation issues relating to environmental contamination; and

(C) establishes priorities for development or redevelopment of qualifying properties.

(3) Establish guidelines for the evaluation of applications for environmental grants from the environmental fund.

(4) After reviewing a report from the department of environmental management under section 22 of this chapter, make decisions on applications for environmental grants from the

environmental fund under section 21 of this chapter.

(5) Prepare and provide information to political subdivisions on the availability of financial assistance from the environmental fund.

(6) Coordinate the implementation of the comprehensive environmental master plan.

(7) Monitor the progress of implementation of the comprehensive environmental master plan.

(8) Report ~~at least once every two (2) years~~ to the governor, the lieutenant governor, the Indiana economic development corporation, the legislative council, the budget committee, and all political subdivisions that have territory within the corridor on:

(A) the activities of the commission; and

(B) the progress of implementation of the comprehensive environmental master plan.

~~An annual~~ **A** report **provided** under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.

(9) Study various plans and recommendations that are proposed concerning marina development along the corridor. Based on these studies, the commission shall do the following:

(A) Prepare a comprehensive marina plan.

(B) Recommend state and local legislation for the development of marinas along the corridor.

(C) Coordinate the implementation of the marina plan and legislation.

(10) Make marina grants of money to units of local government for the construction or improvement of a marina in the corridor if the grants are consistent with the marina plans, standards, and criteria established by the commission.

(b) It is the goal of marina projects under this chapter to create employment in the private sector.

SECTION 37. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "committee" refers to the natural resources study committee established by IC 2-5-5-1.**

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) The general assembly urges the legislative council to assign

to the committee or another appropriate study committee the following topics:

(1) A statewide policy for recreational trails and the maintenance of recreational trails.

(2) A method to distribute the money deposited into the recreational trail maintenance fund established by IC 14-19-10.3, as added by this act.

(d) If the committee or another appropriate study committee is assigned the topics described in subsection (c), the assigned committee shall issue to the legislative council in an electronic format under IC 5-14-6 a final report, containing the assigned committee's findings and recommendations, including any recommended legislation concerning the topics, not later than September 1, 2014.

(e) This SECTION expires January 1, 2015.

P.L.220-2014

[H.1342. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 6-6-6.6 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Hazardous Waste Disposal Tax).

SECTION 2. IC 6-8.1-1-1, AS AMENDED BY SEA 24-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross

retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); ~~*the alternative fuel permit fee (IC 6-6-2.1);*~~ the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); *the aviation fuel excise tax (IC 6-6-13);* the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) **(repealed);** the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation improvement income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); ~~the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22);~~ and any other tax or fee that the department is required to collect or administer.

SECTION 3. IC 6-8.1-4-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.6. Subject to the discretion of the commissioner as set forth in section 1 of this chapter, the commissioner shall establish within the department a special tax division. The division shall do the following:

(1) Administer and enforce the following:

(A) Gasoline tax (IC 6-6-1.1).

(B) Special fuel tax (IC 6-6-2.5).

(C) Motor carrier fuel tax (IC 6-6-4.1).

~~(D) Hazardous waste disposal tax (IC 6-6-6.6).~~

~~(E)~~ **(D)** Cigarette tax (IC 6-7-1).

~~(F)~~ **(E)** Tobacco products tax (IC 6-7-2).

~~(G)~~ **(F)** Alcoholic beverage tax (IC 7.1-4).

~~(H)~~ **(G)** Petroleum severance tax (IC 6-8-1).

~~(I)~~ **(H)** Any other tax the commissioner designates.

(2) Upon the commissioner's request, conduct studies of the department's operations and recommend whatever changes seem advisable.

(3) Annually audit a statistical sampling of the returns filed for the taxes administered by the division.

(4) Annually audit a statistical sampling of registrants with the bureau of motor vehicles, international registration plan division.

(5) Review federal tax returns and other data that may be helpful in performing the division's function.

(6) Furnish, at the commissioner's request, information that the commissioner requires.

(7) Conduct audits requested by the commissioner or the commissioner's designee.

(8) Administer the statutes providing for motor carrier regulation (IC 8-2.1).

SECTION 4. IC 13-11-2-57 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 57. **(a)** "Disposal", for purposes of environmental management laws, means the:

(1) discharge;

(2) deposit;

(3) injection;

(4) spilling;

(5) leaking; or

(6) placing;

of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

(b) "Disposal", for purposes of IC 13-29-1, means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

(c) "Disposal", for purposes of IC 13-22-12-3.5, means all forms of disposal in or on the land, including underground injection.

SECTION 5. IC 13-11-2-57.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: **Sec. 57.2. "Disposal facility", for purposes of IC 13-22-12-3.5, means a site where hazardous wastes are disposed of in or on the land, including a site associated with, within, or adjacent to facilities generating the waste.**

SECTION 6. IC 13-11-2-99 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 99. (a) "Hazardous waste", for purposes of section 96(a) of this chapter, IC 13-19, and environmental management laws, means a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

(1) cause or significantly contribute to an increase in:
  (A) mortality;
  (B) serious irreversible illness; or
  (C) incapacitating reversible illness; or
(2) pose a substantial present or potential hazard to:
  (A) human health; or
  (B) the environment;

when improperly treated, stored, transported, disposed of, or otherwise managed.

(b) "Hazardous waste", for purposes of IC 13-22-10, includes a waste determined to be a hazardous waste under IC 13-22-2-3(b).

(c) "Hazardous waste", for purposes of IC 13-22-11, has the meaning set forth in the federal Resource Conservation and Recovery Act (42 U.S.C. 6903(5)), as in effect January 1, 1989.

(d) "Hazardous waste", for purposes of IC 13-22-12-3.5, includes any waste that:

(1) meets the definition set forth in subsection (a);
(2) is determined to be hazardous under the criteria developed under IC 13-22-2-3(a); or
(3) is included on the list compiled and maintained by the board under IC 13-22-2-3(b).

SECTION 7. IC 13-11-2-232.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 232.8. "Ton", for purposes of IC 13-22-12-3.5, means a short ton.**

SECTION 8. IC 13-14-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) This section applies to a restrictive covenant**

created in connection with a remediation project conducted under:

(1) IC 13-23;

(2) IC 13-24;

(3) IC 13-25-4; or

(4) IC 13-25-5.

(b) If:

(1) a change of conditions or an advancement in science or technology permits a modification of the conditions and restrictions imposed by a restrictive covenant; and

(2) the modification of the conditions and restrictions imposed by the restrictive covenant would not increase the potential hazards to human health or the environment;

the commissioner may, under subsection (c), authorize the filing in the office of the county recorder of a supplemental recording recognizing the modification of the conditions and restrictions of the restrictive covenant to reflect the change in conditions or advancement in science or technology.

(c) The commissioner may authorize the filing of a supplemental recording under subsection (b) if the owner of the real property that is subject to the restrictive covenant submits to the department:

(1) a written request for the modification of the covenant;

(2) a copy of the proposed modification of the restrictive covenant; and

(3) information indicating why the covenant should be modified.

The information submitted under subdivision (3) must be sufficient to enable the department to determine whether the proposed modification of the restrictive covenant will increase the potential hazards to human health or the environment. The commissioner may request additional information from the owner of the real property if necessary to the making of a determination under this subsection.

(d) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 providing for the recovery of administrative and personnel expenses incurred by the state in evaluating proposed modifications of restrictive covenants under this section.

SECTION 9. IC 13-20-22-1, AS AMENDED BY P.L.131-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 1. ~~(a) Unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008, from regulation or control under this chapter.~~

~~(b)~~ **(a)** A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents ($0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:

(A) fifty cents ($0.50) a ton; and

(B) if the ~~solid waste management~~ board has adopted rules under subsection (c), an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123);

fifty cents ($0.50) for each load delivered by the motor vehicle.

~~(c)~~ **(b)** The ~~solid waste management~~ board may adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

If rules are adopted under this subsection, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

~~(d)~~ **(c)** Revenue from fees collected under subsection ~~(b)(1)~~ **(a)(1)**

and ~~(b)(2)(A)~~ **(a)(2)(A)** shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection ~~(b)(2)(B)~~ **(a)(2)(B)** shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs incurred by counties, municipalities, and townships shall be distributed to solid waste management districts pro rata on the basis of the district's population.

~~(c)~~ **(d)** If solid waste has been subject to a fee under this section, the total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

~~(f)~~ **(e)** A fee may not be imposed upon material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 10. IC 13-20-22-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. An owner or operator of a final disposal facility responsible for collecting the fees imposed under section 1 of this chapter shall register with the department of state revenue. To register with the department of state revenue, the owner or operator must do the following:~~

~~(1) Pay a registration fee of twenty-five dollars ($25).~~

~~(2) File a verified registration form containing the following:~~

~~(A) The registrant's name and address.~~

~~(B) The name and address of each final disposal facility owned or operated by the registrant.~~

~~(C) Any additional information that the department of state revenue reasonably requires.~~

SECTION 11. IC 13-20-22-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. (a) The department of state revenue may require a registrant under section 4 of this chapter to file a surety bond:~~

~~(1) in an amount determined by the department of state revenue of:~~

~~(A) not less than two thousand dollars ($2,000); and~~

~~(B) not more than three (3) months tax liability for the registrant as estimated by the department of state revenue; and~~

~~(2) conditioned upon:~~

~~(A) the keeping of records; and~~

~~(B) the making of full and complete reports and payments;~~

~~as required by this chapter.~~

~~(b) If the registrant files a bond, the bond must:~~

~~(1) be with a surety company or financial institution approved by the department of state revenue; and~~

~~(2) name:~~

~~(A) the registrant as the principal; and~~

~~(B) the state as the obligee.~~

SECTION 12. IC 13-20-22-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. (a) The department of state revenue may require a registrant under section 4 of this chapter to furnish a current financial statement with the registration form.~~

~~(b) After registration, the department of state revenue may require a registrant to periodically furnish a current financial statement. If the registrant's financial condition warrants an increase in the surety bond, the department of state revenue may require the registrant to furnish an increased bond.~~

~~(c) The department of state revenue may require an audited financial statement under this section.~~

SECTION 13. IC 13-20-22-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. The department of state revenue shall issue a registration card to each registrant under section 4 of this chapter who complies with this chapter. The registration card shall be prominently displayed at each place in Indiana where the registrant is engaged in business as an owner or operator of a final disposal facility.~~

SECTION 14. IC 13-20-22-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. (a) Sixty (60) days after making a written request for release to the department of state revenue, the surety of a bond furnished by a registrant under section 5 of this chapter is released from any liability to the state accruing on the bond after the sixty (60) day period. The release does not affect any liability accruing before the expiration of the sixty (60) day period.~~

~~(b) The department of state revenue shall promptly notify the registrant furnishing the bond that a release has been requested. The registrant must:~~

~~(1) obtain a new bond that meets the requirements of section 5 of this chapter; and~~

~~(2) file with the department of state revenue a new bond within the sixty (60) day period.~~

~~(c) The department of state revenue shall cancel the registration for failure to submit a new bond within the sixty (60) day period.~~

SECTION 15. IC 13-20-22-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. (a) The department of state revenue may, after a hearing, cancel a registration issued to an owner or operator of a final disposal facility if the owner or operator does any of the following:~~

~~(1) Files a false monthly report of the information required by this chapter.~~

~~(2) Fails or refuses to file a monthly report required by this chapter.~~

~~(3) Fails or refuses to pay the full amount of the fee imposed by this chapter on or before the due date established by section 11 of this chapter.~~

~~(4) Fails or refuses to comply with IC 6-8.1-5-4.~~

~~(5) Knowingly removes or alters a sign posted by the department of state revenue under section 17 of this chapter.~~

~~(6) Fails or refuses to have on file a valid bond, as required by section 5 or 8 of this chapter.~~

~~(7) Fails to honor a subpoena issued under IC 6-8.1-3-12.~~

~~(b) The department of state revenue shall notify the owner or operator at least fifteen (15) days before the date set for the hearing of the proposed cancellation. The notice must be sent by registered mail to the last known address of the owner or operator. The owner or operator may appear at the time and place given in the notice to show cause why the registration should not be canceled.~~

SECTION 16. IC 13-20-22-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 10. A person registered under this chapter may make a written request to the department of state revenue to cancel the person's registration. The department of state revenue may cancel the registration sixty (60) days from the date of the written request if before cancellation the person has:~~

~~(1) paid all fees, penalties, and interest accruing under this chapter or IC 13-9.5-5 (before its repeal); and~~

~~(2) surrendered to the department of state revenue the:~~

~~(A) registration certificate issued under this chapter or IC 13-9.5-5 (before its repeal); and~~

~~(B) any additional copies of the registration.~~

SECTION 17. IC 13-20-22-11 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The owner or operator of a final disposal facility is responsible for collecting the fees imposed under section 1 of this chapter from persons delivering solid waste to that facility.

(b) Each owner or operator may:

(1) deduct from the fees an amount equal to one percent (1%) of the fees collected; and

(2) retain this amount as compensation for collecting and remitting the fees;

if the fees collected and the reports required under subsection (e) are timely remitted and filed.

(c) If:

(1) the fees collected are remitted; or

(2) the required report is filed;

after the due date, the owner or operator shall remit all fees collected to the department. ~~of state revenue.~~

(d) The owner or operator shall remit the remainder of the fees that the owner or operator collects during a month to the department ~~of state revenue~~ not later than ten (10) days after the last day of the month in which the fees are collected.

(e) The owner or operator of a final disposal facility shall file monthly reports with the department concerning the fees collected under this section. The department shall adopt a form for these reports. An owner or operator shall use the form in reporting to the department.

SECTION 18. IC 13-20-22-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Each month the department ~~of state revenue~~ shall deposit the following:

(1) Not less than fifty percent (50%) of the revenue from the fee imposed under section ~~1(b)(1)~~ **1(a)(1)** of this chapter into the Indiana recycling promotion and assistance fund established in IC 4-23-5.5-14.

(2) Not more than fifty percent (50%) of the revenue from the fee imposed under section ~~1(b)(1)~~ **1(a)(1)** of this chapter into the fund.

(3) The revenue from the fee imposed under section ~~1(b)(2)~~ **1(a)(2)** of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

SECTION 19. IC 13-20-22-17 IS REPEALED [EFFECTIVE JULY

1, 2014]. ~~Sec. 17. (a) If any of the following conditions occur, the department of state revenue may post a sign at a solid waste disposal site that prohibits further transactions involving solid waste disposal at the site:~~

~~(1) An owner or operator of a final disposal facility becomes delinquent in payment of any amount due under this chapter.~~

~~(2) There is evidence that the revenue of an owner or operator of a final disposal facility is in jeopardy.~~

~~(3) An owner or operator of a final disposal facility is operating without the registration required by this chapter.~~

~~(4) An owner or operator of a final disposal facility is operating without the bond required by this chapter.~~

~~(5) An owner or operator of a final disposal facility continues to operate the final disposal facility after the registration of the owner or operator has been canceled under this chapter.~~

~~(b) The department of state revenue may require that the sign posted under this section must remain posted until the owner or operator of the final disposal facility does all of the following:~~

~~(1) Files all reports and pays in full the fees and penalties imposed by this chapter.~~

~~(2) Pays in full the interest and penalties imposed under IC 6-8.1-10-1 and IC 6-8.1-10-2.1.~~

~~(3) Obtains the registration required by this chapter.~~

~~(4) Provides the bond required by this chapter.~~

SECTION 20. IC 13-20-22-19, AS AMENDED BY P.L.158-2013, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who knowingly or intentionally fails to pay the fee to the department ~~of state revenue~~ under section 11 of this chapter commits a Level 6 felony.

SECTION 21. IC 13-20-22-20 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 20. (a) A person who, without authorization:~~

~~(1) removes;~~

~~(2) alters;~~

~~(3) defaces; or~~

~~(4) covers;~~

~~a sign posted by the department of state revenue under section 17 of this chapter commits a Class B misdemeanor. However, the offense is a Level 6 felony if the offense is committed with the intent to evade the~~

~~fee imposed by this chapter or to defraud the state.~~

~~(b) An owner or operator of a final disposal facility shall notify the department of state revenue not later than two (2) days after discovering that a sign posted by the department has been removed, altered, defaced, or covered.~~

~~(c) An owner or operator of a final disposal facility who fails to notify the department under subsection (b) commits a Class B misdemeanor.~~

SECTION 22. IC 13-22-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Notwithstanding **the** fees established under IC 13-16-1, the hazardous waste:

(1) permit application fees;

(2) annual operation fees; ~~and~~

(3) prices for purchasing manifests; **and**

(4) disposal fees;

~~contained~~ **provided for** in this chapter are established.

SECTION 23. IC 13-22-12-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. (a) For the disposal of hazardous waste in Indiana, the fees are as follows:**

(1) For hazardous waste disposed of in a disposal facility, eleven dollars and fifty cents ($11.50) per ton. If hazardous waste is mixed with or dissolved or suspended in water or another liquid at the time it is disposed of in a disposal facility, the entire mixture, solution, or suspension disposed of is considered hazardous waste disposed of in a disposal facility for the purposes of this subdivision.

(2) For hazardous waste disposed of by underground injection, eleven dollars and fifty cents ($11.50) per ton. However, a person required to pay disposal fees under this subdivision is not liable for more than twenty-five thousand dollars ($25,000) in disposal fees under this subdivision for all hazardous waste disposed of by the person by underground injection in one (1) calendar year.

(b) Fees imposed under subsection (a)(1) shall be paid by the operator of the disposal facility at which the hazardous waste is disposed of. For hazardous waste disposed of by underground injection at a location other than a disposal facility, the fee imposed on the disposal of the hazardous waste under subsection (a)(2) shall

be paid by the person disposing of the hazardous waste.

(c) Fees imposed under this section shall be paid quarterly to the department in the manner prescribed by the department. However, the department is not required to assess quarterly payments separately. Fees under this section begin accruing on January 1 of each year.

(d) The fees imposed under this section shall be based on the total tonnage of hazardous waste disposed of. The fees do not apply to the treatment or storage of hazardous waste in a disposal facility.

(e) The fees collected under this section shall be deposited and paid over as provided in section 3.6 of this chapter.

SECTION 24. IC 13-22-12-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.6. (a) The fees collected under section 3.5 of this chapter upon the disposal of a quantity of hazardous waste shall be deposited and paid over as follows:**

(1) Seventy-five percent (75%) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1.

(2) Twenty-five percent (25%) shall be paid over to the county in which the hazardous waste is disposed of.

(b) Except as provided in subsection (e), and subject to subsections (f) and (g), the revenue paid over to the county under subsection (a)(2) shall be deposited in a separate fund established by the county for the purposes of the following:

(1) Establishing monitoring wells on land near the site of the disposal facility.

(2) Analyzing samples from the monitoring wells established under subdivision (1).

(3) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility.

(4) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste.

(5) Providing special clothing and equipment needed by county and local public health and public safety officers for

dealing with emergencies involving hazardous substances or hazardous waste.

(6) Funding research on alternatives to land disposal as a means of eliminating hazardous waste.

(7) Paying the cost of hazardous waste, hazardous substance, or solid waste removal and remedial action at a site located within the county.

(8) Meeting the county's requirements under IC 13-21 for the planning and implementation of a solid waste management district plan.

(9) Paying the costs associated with the construction or rehabilitation of a facility used for training described in subdivision (4).

(10) Paying the costs associated with any other project that has identifiable environmental benefits.

(11) Paying the costs associated with the construction, structural rehabilitation, and equipment of a facility used for either of the following purposes:

(A) A county public safety central dispatch.

(B) A county emergency operations center.

(12) Paying costs associated with the maintenance or repair of county roads.

(13) Paying for the costs of county ambulance service.

(c) The county fund established under subsection (b) shall be administered by the county treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the county general fund.

(d) No money in the county fund established under subsection (b) shall be used for activities authorized in subsection (b)(8) or (b)(9) until the purposes listed in subsection (b)(1) through (b)(7) have been fulfilled.

(e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(f) The county may not pay from the county fund established

under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year.

(g) If a county expends money in the county fund established under subsection (b) for the maintenance or repair of county roads, the county may not annually expend more than ten percent (10%) of the balance in the fund (as determined on January 1 of the calendar year in which the expenditures are made) for those purposes.

(h) A fund established by a county under IC 6-6-6.6-3 before its repeal:

(1) satisfies the requirement of subsection (b) that a county establish a fund;

(2) shall be administered under subsection (c); and

(3) is in all other respects subject to this section.

(i) Money deposited in a fund established by a county under IC 6-6-6.6-3 before its repeal:

(1) may remain in the fund; and

(2) may be used for the purposes set forth in subsection (b), subject to subsections (d) through (g);

notwithstanding the repeal of IC 6-6-6.6-3.

SECTION 25. IC 13-22-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **Except for the hazardous waste disposal fee collected under section 3.5 of this chapter,** the fees and delinquency charges collected under this chapter:

(1) are payable to the department; and

(2) shall be deposited in the environmental management permit operation fund established by IC 13-15-11-1.

SECTION 26. IC 13-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. If the total amount of the fees owed under this article exceed five hundred dollars ($500), the fee payer has the option of paying the annual fees in four (4) equal installment payments. The department ~~of state revenue~~ shall establish a payment schedule to implement this section.

SECTION 27. IC 13-23-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Except as provided by section 2 of this chapter, the fee required by section 1 of this chapter shall be paid annually in accordance with a payment schedule established by the department. ~~of state revenue.~~ The fee payment form

provided by the department ~~of state revenue~~ must accompany the fee payment.

SECTION 28. IC 13-23-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The department ~~of state revenue~~ shall collect **the** fees paid under this chapter and deposit the fees as follows:

(1) Fees paid in connection with underground petroleum storage tanks shall be deposited ~~as follows:~~

~~(A) Forty-five dollars ($45) shall be deposited in the excess liability trust fund.~~

~~(B) Forty-five dollars ($45) shall be deposited~~ in the petroleum trust fund.

(2) Fees paid in connection with underground storage tanks used to contain regulated substances other than petroleum shall be deposited ~~as follows:~~

~~(A) Forty-five dollars ($45) shall be deposited~~ in the hazardous substances response trust fund.

~~(B) Two hundred dollars ($200) shall be deposited in the excess liability trust fund.~~

SECTION 29. IC 13-23-12-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. (a) The department of state revenue shall provide each person who pays a fee under this chapter with a receipt and a copy of the receipt. The receipt or the copy of the receipt shall be maintained at:~~

~~(1) the place of business where the underground storage tank is located; or~~

~~(2) if no place of business exists where the tank is located, the place of business or residence of the owner of the tank.~~

~~(b) The owner of the tank shall produce the receipt for inspection at the request of any authorized representative of the department or the state fire marshal.~~

SECTION 30. IC 13-23-12-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. At least thirty (30) days before payment of a fee is due in accordance with the schedule established under section 3 of this chapter, the department of state revenue shall attempt to notify each owner of an underground storage tank who has submitted notification to the department as required under 42 U.S.C. 6991a(a) of the requirements of this chapter.~~

SECTION 31. IC 13-23-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) Except as provided in subsection (b),** the commissioner, under rules adopted under IC 13-23-1-2, may use money in the petroleum trust fund to pay the following costs and expenses associated with underground petroleum storage tanks:

(1) Costs incurred for corrective action conducted under cooperative agreements entered into between the state and the Administrator of the United States Environmental Protection Agency under Section 9003(h)(7) of the federal Solid Waste Disposal Act (42 U.S.C. 6991b(h)(7)), in accordance with the provisions of the cooperative agreements.

(2) Expenses incurred by the state for the following:

(A) Corrective actions that are ordered or undertaken under this chapter.

(B) Enforcement of this article.

(3) Expenses incurred by the state under section 8 of this chapter in recovering the costs of corrective actions undertaken under section 2 of this chapter.

(4) Administrative expenses and personnel expenses incurred by the state in carrying out this article.

(b) Notwithstanding subsection (a), fifty percent (50%) of the fees deposited in the petroleum trust fund under IC 13-23-12-4(1) shall be used by the commissioner to pay for corrective actions:

(1) taken under this chapter that involve releases of regulated substances from underground storage tanks; and

(2) that are not eligible to receive funds from the underground petroleum storage tank excess liability trust fund under IC 13-23-7.

Not more than eleven percent (11%) of the funds expended under this subsection may be used to pay for administrative and personnel expenses incurred in carrying out this subsection.

SECTION 32. IC 13-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The hazardous substances response trust fund is established. The purpose of the fund is to accumulate and maintain a source of money for the following purposes:

(1) Financing contracts or cooperative agreements between the

state and the President of the United States under Section 104 of CERCLA (42 U.S.C. 9604).

(2) Providing state assistance in the form of supplies, materials, services, and equipment to:

(A) prevent the release of a hazardous substance or contaminant; or

(B) control, contain, isolate, neutralize, remove, store, or dispose of any hazardous substance or contaminant already released into or on the air, land, or waters of Indiana.

(3) Financing response actions that are:

(A) undertaken or authorized by the commissioner with respect to sites in Indiana; and

(B) considered by the commissioner to be necessary to protect the public health or welfare or the environment from the release or threatened release of a hazardous substance or contaminant.

(4) Paying expenses related to releases of regulated substances other than petroleum from underground storage tanks under IC 13-23-13-7.

(5) Paying administrative and personnel expenses incurred by the state in responding to releases or threats of releases of hazardous substances or contaminants.

(6) Paying claims for the reimbursement of necessary response costs incurred by persons that have received preauthorization from the commissioner for reimbursement.

(7) Providing grants for household hazardous waste and conditionally exempt small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(8) Paying administrative and personnel expenses incurred by the department in implementing and administering household hazardous waste and conditionally exempt small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(9) Transferring funds to the environmental remediation revolving loan fund established by IC 13-19-5-2.

(10) Paying administrative and personnel expenses incurred by the state in evaluating proposed modifications of restrictive covenants under IC 13-14-2-9.

(b) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 33. IC 13-25-4-2, AS AMENDED BY P.L.38-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The sources of money for the fund are the following:

(1) ~~Revenue produced by the levy under IC 6-6-6.6.~~ **Fees paid under IC 13-22-12-3.5 for the disposal of hazardous waste.**

(2) Any payment to the state or the fund as:

(A) reimbursement for amounts expended by the state in a response action; ~~or~~

(B) reimbursement of administrative and personnel expenses incurred by the state in evaluating proposed modifications of restrictive covenants under IC 13-14-2-9; or

~~(B)~~ **(C)** a settlement or judgment stemming from a lawsuit by the state or federal government to recover amounts expended by the state in a response action, including recoveries under section 10 of this chapter.

(3) Accrued interest and other investment earnings of the fund.

(4) Fees paid under IC 13-23-12-4(2) by owners and operators of underground storage tanks used to contain regulated substances other than petroleum.

(5) Appropriations made by the general assembly and gifts and donations from private and public entities intended for deposit in the fund.

(6) Grants and other payments made by the United States government under:

(A) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) in relation to regulated substances other than petroleum; or

(B) CERCLA.

(7) Money received from responsible parties under agreements under section 23 of this chapter for response actions at specific sites.

SECTION 34. IC 13-25-4-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section applies to real property that is:

(1) the site of an existing or former hazardous waste facility that is or was subject to regulation under:

(A) IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) Subchapter III of the federal Solid Waste Disposal Act (42 U.S.C. 6921 through 6939e); or

(2) a site:

(A) on which a hazardous substance has been:

(i) deposited;

(ii) stored; or

(iii) disposed of; and

(B) that is or was listed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616);

if more than an insignificantly small amount of a hazardous substance remains on or beneath the surface of that property after the partial or final closure of a hazardous waste facility located on the property or the completion of a remedial action on the property under CERCLA or this chapter.

(b) The owner of real property described in subsection (a) shall execute and record, in the office of the county recorder of the county in which the property is located, a restrictive covenant applying to the property if the commissioner determines that a restrictive covenant meeting the requirements set forth in subsection (c) is necessary to protect the public health or welfare or the environment from unreasonable risk of future exposure to a hazardous substance.

(c) A restrictive covenant required under this section must:

(1) to the extent feasible, describe:

(A) the identity, quantity, and location of every hazardous substance:

(i) deposited;

(ii) stored;

(iii) disposed of; or

(iv) placed;

on the property; and

(B) the extent to which each hazardous substance remains on the property; and

(2) incorporate the conditions and restrictions that the commissioner considers necessary to assure that the future use of the property will not disturb the final cover, any liners, or any components of the hazardous substance containment system on the property, or disturb the function of the monitoring system on the property, unless the commissioner finds that the disturbance:

(A) is necessary to the proposed use of the property and will not increase the potential hazards to human health or to the environment; or

(B) is necessary to mitigate a threat to human health or to the environment.

(d) ~~If a change of conditions or advancements in science or technology permit an alteration in the conditions and restrictions imposed by~~ A restrictive covenant required by this section ~~that would not increase the potential hazards to human health or to the environment, the commissioner, upon written request by the owner of the real property, may authorize the filing of a supplemental recording recognizing a change in the restrictive covenant in the office of the county recorder to reflect the change in the conditions and restrictions.~~ **is subject to modification under IC 13-14-2-9.**

SECTION 35. IC 35-51-13-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 13:

IC 13-18-8-9 (Concerning water pollution control).

IC 13-18-13-31 (Concerning water pollution control).

IC 13-18-21-31 (Concerning water pollution control).

IC 13-19-5-17 (Concerning environmental remediation revolving loan program).

IC 13-20-13-17 (Concerning solid waste management).

IC 13-20-22-19 (Concerning solid waste management).

~~IC 13-20-22-20 (Concerning solid waste management).~~

IC 13-20-22-21 (Concerning solid waste management).

IC 13-23-7-9 (Concerning underground storage tanks).

IC 13-23-9-6 (Concerning underground storage tanks).

IC 13-25-4-28 (Concerning hazardous substances).

IC 13-29-1-14 (Concerning Midwest Interstate Compact on Low-Level Radioactive Waste).

IC 13-30-10-1 (Concerning the environment).

IC 13-30-10-1.5 (Concerning the environment).
IC 13-30-10-5 (Concerning the environment).
IC 13-30-10-6 (Concerning the environment).

P.L.221-2014
[H.1343. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1.3. As used in this chapter, "motor scooter" has the meaning set forth in IC 9-13-2-104.~~

SECTION 2. IC 2-5-28.5-1.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 1.5. As used in this chapter, "motorized bicycle" has the meaning set forth in IC 9-13-2-109.~~

SECTION 3. IC 2-5-28.5-4.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 4.5. In calendar year 2011, the committee shall study issues related to the use of motorized bicycles and motor scooters in Indiana, including the following topics:~~

~~(1) Definitions of the following:~~

~~(A) Motorized bicycle.~~

~~(B) Motor scooter.~~

~~(C) Moped.~~

~~(D) Motor-driven cycle.~~

~~(2) Issues related to:~~

~~(A) internal combustion power; and~~

~~(B) battery power;~~

~~of motor vehicles described in subdivision (1).~~

~~(3) Issues relating to:~~

~~(A) necessary equipment for;~~

~~(B) licensing of operators of;~~

~~(C) titling of;~~
~~(D) registration of;~~
~~(E) taxation of; and~~
~~(F) insurance requirements for;~~
~~motor vehicles described in subdivision (1).~~

SECTION 4. IC 6-3.5-4-2, AS AMENDED BY P.L.205-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection (c), adopt an ordinance to impose an annual license excise surtax at the same rate or amount on each motor vehicle listed in subsection (b) that is registered in the county. The adopting entity may impose the surtax either:

(1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or

(2) at a specific amount of at least seven dollars and fifty cents ($7.50) and not more than twenty-five dollars ($25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents ($7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(b) The license excise surtax applies to the following vehicles:

(1) Passenger vehicles.

(2) Motorcycles.

(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.

(4) Motor driven cycles.

(c) The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

(d) Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

SECTION 5. IC 6-6-5-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 5.6. There is imposed an annual excise tax on motor driven cycles. The tax shall be paid at the same time the motor driven cycle is registered. Except for the amount of tax**

imposed, a motor driven cycle is to be treated the same as a vehicle for purposes of this chapter. The amount of tax owed for a motor driven cycle for a year is ten dollars ($10). The tax is due at the same time the owner is or would be required to pay the motor vehicle excise tax under this chapter.

SECTION 6. IC 7.1-1-3-26.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26.3. ~~(a)~~ "Motor vehicle" means a vehicle that is self-propelled.

~~(b) The term does not include a motorized bicycle (as defined in IC 9-13-2-109).~~

SECTION 7. IC 9-13-2-25.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 25.8. "Class A motor driven cycle" means a motor vehicle that:**

(1) has a seat or saddle for the use of the rider;

(2) is designed to travel on not more than three (3) wheels in contact with the ground;

(3) complies with applicable motor vehicle equipment requirements under IC 9-19 and 49 CFR 571; and

(4) is registered as a Class A motor driven cycle under IC 9-18.

The term does not include an electric personal assistive mobility device.

SECTION 8. IC 9-13-2-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 26.5. "Class B motor driven cycle" means a motor vehicle that:**

(1) has a seat or saddle for the use of the rider;

(2) is designed to travel on not more than three (3) wheels in contact with the ground;

(3) complies with applicable motor vehicle equipment requirements under IC 9-19 and 49 CFR 571;

(4) has a cylinder capacity not exceeding fifty (50) cubic centimeters; and

(5) is registered as a Class B motor driven cycle under IC 9-18.

The term does not include an electric personal assistive mobility device.

SECTION 9. IC 9-13-2-103 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 103. "Military vehicle" means a vehicle that:

(1) was originally manufactured for military use;

(2) is motorized or nonmotorized, including a motorcycle, ~~motor scooter,~~ **motor driven cycle,** and trailer;

(3) is at least twenty-five (25) years old; and

(4) is privately owned.

SECTION 10. IC 9-13-2-104 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 104. "Motor scooter" means a vehicle that has the following:~~

~~(1) Motive power.~~

~~(2) A seat, but not a saddle, for the driver.~~

~~(3) Two (2) wheels.~~

~~(4) A floor pad for the driver's feet.~~

SECTION 11. IC 9-13-2-104.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 104.1. "Motor driven cycle" refers to both of the following:**

(1) A Class A motor driven cycle.

(2) A Class B motor driven cycle.

SECTION 12. IC 9-13-2-105, AS AMENDED BY P.L.92-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle ~~except a motorized bicycle~~ that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5, ~~and IC 9-25,~~ means a vehicle that is self-propelled upon a highway in Indiana. The term does not include **the following:**

(1) A farm tractor.

(2) A motorcycle.

(3) A motor driven cycle.

~~(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a~~

~~motorized bicycle.~~

~~(e)~~ **(d)** "Motor vehicle", for purposes of IC 9-32-13, includes a semitrailer.

~~(f)~~ **(e)** "Motor vehicle", for purposes of IC 9-24-6, has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) "Motor vehicle", for purposes of IC 9-25, does not include the following:

(1) A farm tractor.

(2) A Class B motor driven cycle.

SECTION 13. IC 9-13-2-108, AS AMENDED BY P.L.262-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 108. "Motorcycle" means a motor vehicle with motive power that:

(1) has a seat or saddle for the use of the rider;

(2) is designed to travel on not more than three (3) wheels in contact with the ground; and

(3) satisfies the operational and equipment specifications described in 49 CFR 571 and IC 9-19.

The term does not include a farm tractor ~~a motor scooter, or a motorized bicycle.~~ **or a motor driven cycle.**

SECTION 14. IC 9-13-2-109 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 109. "Motorized bicycle" means a two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:~~

~~(1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters.~~

~~(2) An automatic transmission.~~

~~(3) A maximum design speed of not more than twenty-five (25) miles per hour on a flat surface.~~

~~The term does not include an electric personal assistive mobility device.~~

SECTION 15. IC 9-13-2-123, AS AMENDED BY P.L.259-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 123. "Passenger motor vehicle" means a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include **the following:**

(1) A motorcycle.

(2) A bus.

(3) A school bus.

(4) A snowmobile. ~~or~~

(5) An off-road vehicle.

(6) A motor driven cycle.

SECTION 16. IC 9-13-2-196, AS AMENDED BY P.L.9-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

(1) A device moved by human power.

(2) A vehicle that runs only on rails or tracks.

(3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.

(4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.

(5) A municipally owned ambulance.

(6) A police patrol wagon.

(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

(A) Road construction or maintenance machinery.

(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditch digging apparatus.

(F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a

motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a ~~motorized bicycle.~~ **motor driven cycle.**

(e) For purposes of IC 9-24-6, the term has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 17. IC 9-17-1-1, AS AMENDED BY P.L.262-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. This article does not apply to **the following:**

(1) Special machinery.

(2) Farm wagons.

(3) A golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(4) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer. ~~or~~

(5) Snowmobiles.

(6) Motor driven cycles.

~~or~~ **(7)** Except as otherwise provided, any other vehicle that is not registered in accordance with IC 9-18-2.

SECTION 18. IC 9-18-2-1, AS AMENDED BY P.L.125-2012, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A person must register all motor vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

(b) A person must register all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must register all recreational vehicles owned by the person that:

(1) are subject to the excise tax imposed under IC 6-6-5.1; and

(2) will be operated in Indiana.

(d) A person must register all vehicles owned by the person not later than sixty (60) days after becoming an Indiana resident.

(e) Except as provided in subsection (f), an Indiana resident must register all motor vehicles operated in Indiana.

(f) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(g) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

(A) an active member of the armed forces of the United States; and

(B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(h) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (g), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (g); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (g). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

(i) Notwithstanding IC 9-18-1-1(a)(7), a person shall register all motor driven cycles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

SECTION 19. IC 9-18-2-8, AS AMENDED BY P.L.262-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Except as provided in section 7(h) of this chapter and subsection (f), the bureau shall determine the schedule for registration for the following categories of vehicles:

(1) Passenger motor vehicles.

(2) Recreational vehicles.

(3) Motorcycles.

(4) Trucks that:

(A) are regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and

(B) have a declared gross weight of not more than eleven thousand (11,000) pounds.

(5) Motor driven cycles.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the indicia required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

(1) Administer the certificate of registration.

(2) Issue the license plate according to the bureau's central fulfillment processes.

(3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a

semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

SECTION 20. IC 9-18-2-12, AS AMENDED BY P.L.262-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. The bureau may not register the following motor vehicles:

(1) A motor vehicle that:

(A) is subject under rules adopted under air pollution control laws (as defined in IC 13-11-2-6) to:

(i) inspection of vehicle air pollution control equipment; and

(ii) testing of emission characteristics; and

(B) has not been:

(i) inspected; and

(ii) certified by an inspection station under IC 13-17-5-5.1(b) that the air pollution equipment is not in a tampered condition and the vehicle meets air emission control standards.

(2) A motor vehicle that does not comply with applicable motor vehicle equipment requirements under IC 9-19.

(3) A motor vehicle that does not comply with applicable operational and equipment specifications described in 49 CFR 571.

SECTION 21. IC 9-18-2-26, AS AMENDED BY P.L.262-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 26. (a) License plates, including temporary

license plates, shall be displayed as follows:

(1) For a motorcycle, **motor driven cycle,** trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle, except as provided in subdivision (4).

(2) For a tractor or dump truck, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle, except as provided in subdivision (4).

(4) For a truck with a rear mounted forklift or a mechanism to carry a rear mounted forklift or implement, upon the front of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) An interim license plate must be displayed in the manner required by IC 9-32-6-11(f).

(d) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 22. IC 9-18-2-29, AS AMENDED BY P.L.210-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 29. Except as otherwise provided, before:

(1) a motor vehicle;

(2) a motorcycle;

(3) a truck;

(4) a trailer;

(5) a semitrailer;

(6) a tractor;

(7) a bus;

(8) a school bus;

(9) a recreational vehicle; ~~or~~

(10) special machinery; **or**

(11) a motor driven cycle;

is operated or driven on a highway, the person who owns the vehicle must register the vehicle with the bureau and pay the applicable registration fee.

SECTION 23. IC 9-18-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) If a person who registers an antique motor vehicle under this chapter makes substantial alterations or changes to the vehicle after the date of the antique motor vehicle's registration, the registrant shall have the vehicle reinspected by the state police department.

(b) If the antique motor vehicle is not found to be in a mechanical condition that guarantees the vehicle's safe operation upon the highways, the mechanical condition shall be reported to the bureau. The bureau shall do the following:

(1) Immediately cancel the registration of the antique motor vehicle.

(2) Notify the person who registered the antique motor vehicle of the cancellation.

~~(c) A motor scooter registered under this chapter is not required to have equipment that was not original on the motor scooter.~~

SECTION 24. IC 9-19-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a) Subject to section 4 of this chapter,** a motor vehicle, ~~other than a motorcycle or motor-driven cycle,~~ when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. ~~The brakes must~~

(b) A motor vehicle other than a motorcycle or motor driven cycle must be equipped with brakes that include two (2) separate means of applying the brakes, each of which means must apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, the means must be constructed so that failure of one (1) part of the operating mechanism does not leave the motor vehicle without brakes on at least two (2) wheels.

SECTION 25. IC 9-19-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. **Subject to section 4 of this chapter,** a motorcycle and a ~~motor-driven~~ **motor driven** cycle, when operated upon a highway, must be equipped with

at least one (1) brake, which may be operated by hand or foot.

SECTION 26. IC 9-19-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. **Subject to section 4 of this chapter,** a trailer or semitrailer of a gross weight of at least three thousand (3,000) pounds, when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle. The brakes must be designed so that the driver of the towing motor vehicle can apply the brakes from the cab, and must be designed and connected so that the brakes will be automatically applied in an accidental breakaway of the towed vehicle.

SECTION 27. IC 9-19-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as provided in subsections (b) through (c), a new motor vehicle, trailer, or semitrailer sold in Indiana and operated upon the highways must be equipped with service brakes upon all wheels of the vehicle.

(b) ~~The following are~~ **A semitrailer of less than three thousand (3,000) pounds gross weight is** not required to be equipped with brakes.

~~(1) A motorcycle or motor-driven cycle.~~

~~(2) A semitrailer of less than three thousand (3,000) pounds gross weight.~~

(c) A truck or truck-tractor having at least three (3) axles is not required to have service brakes on the front wheels. If a truck or truck-tractor is equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle are not required to have service brakes although the truck or truck-tractor must be capable of complying with the performance requirements of sections 7 through 8 of this chapter.

SECTION 28. IC 9-19-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) A motor vehicle other than a motorcycle or ~~motor-driven~~ **motor driven** cycle must be equipped with at least two (2) head lamps, with at least one (1) of the head lamps on each side of the front of the motor vehicle. The head lamps must comply with this chapter.

(b) Except as provided in subsection (c), a motorcycle and ~~motor-driven~~ **motor driven** cycle must be equipped with at least one (1) and not more than two (2) head lamps that comply with this chapter.

(c) A motorcycle manufactured before January 1, 1956, is not

required to be equipped with a head lamp if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A head lamp upon a motor vehicle, including a motorcycle and ~~motor-driven~~ **motor driven** cycle, must be located at a height measured from the center of the head lamp of not less than twenty-four (24) inches and not more than fifty-four (54) inches to be measured as set forth in section 2(b) of this chapter.

SECTION 29. IC 9-19-6-4, AS AMENDED BY P.L.34-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as otherwise provided in this section:

(1) a motor vehicle, trailer, semitrailer, and pole trailer; and

(2) any other vehicle that is drawn at the end of a train of vehicles;

must be equipped with at least one (1) tail lamp mounted on the rear that when lighted as required in this chapter, emits a red light plainly visible from a distance of five hundred (500) feet to the rear.

(b) Only the tail lamp on the rear-most vehicle of a train of vehicles is required to be seen from the distance specified.

(c) Excluding a truck-tractor semitrailer-semitrailer combination equipped with a B-train assembly (as defined in IC 9-13-2-13) governed by section 7 of this chapter, truck-tractor, motorcycle, or ~~motor-driven~~ **motor driven** cycle:

(1) a motor vehicle, trailer, semitrailer, and pole trailer; and

(2) any other vehicle drawn at the end of a train of vehicles;

that is registered in Indiana and manufactured or assembled after January 1, 1956, must be equipped with at least two (2) tail lamps mounted on the rear that, when lighted, complies with this section.

(d) A tail lamp upon a vehicle shall be located at a height of not less than twenty (20) inches and not more than seventy-two (72) inches.

(e) Either a tail lamp or a separate lamp must be placed and constructed so as to illuminate the rear registration plate with a white light and make the plate clearly legible from a distance of fifty (50) feet to the rear. A tail lamp or tail lamps, together with a separate lamp for illuminating the rear registration plate, must be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

SECTION 30. IC 9-19-6-5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) Except as provided in subsections (b) through (d), a new motor vehicle sold and operated upon a highway, other than a truck-tractor, must carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors.

(b) Except as provided in subsection (c), a motorcycle and ~~motor-driven~~ **motor driven** cycle must carry at least one (1) reflector meeting the requirements of this section.

(c) A motorcycle manufactured before January 1, 1956, is not required to carry a reflector under this section if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A vehicle of the type listed in section 7 of this chapter must be equipped with reflectors as required in those sections applicable to those vehicles.

(e) A reflector must be mounted on a vehicle at a height not less than twenty (20) inches and not more than sixty (60) inches as measured in the manner set forth in section 2(b) of this chapter. Except as otherwise provided, a reflector must be of the size and characteristics and mounted so as to be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of head lamps.

SECTION 31. IC 9-19-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) Except as provided in subsection (b), a person may not:

(1) sell; or

(2) drive on the highways;

in Indiana a motor vehicle, including a motorcycle or ~~motor-driven~~ **motor driven** cycle unless the vehicle is equipped with at least one (1) stoplight meeting the requirements of section 17 of this chapter.

(b) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a stoplight under subsection (a) if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(c) This subsection does not apply to a motorcycle or ~~motor-driven~~ **motor driven** cycle. A person may not:

(1) sell;

(2) offer for sale; or

(3) operate on the highways;

a motor vehicle, trailer, or semitrailer registered in Indiana and manufactured or assembled after January 1, 1956, unless the vehicle is equipped with mechanical or electrical turn signals meeting the requirements of section 17 of this chapter.

SECTION 32. IC 9-19-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. Except as otherwise provided in this chapter, the head lamps, the auxiliary driving lamp, the auxiliary passing lamp, or a combination of these lamps on motor vehicles, other than motorcycles or ~~motor-driven~~ **motor driven** cycles, must be arranged so that the driver may select between distributions of light projected to different elevations. The lamps may, in addition, be arranged so that the selection can be made automatically, subject to the following limitations:

(1) There must be an uppermost distribution of light, or composite beam, aimed and of an intensity to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.

(2) There must be a lowermost distribution of light, or composite beam, aimed and of an intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead. On a straight level road, under any condition of loading, none of the high-intensity part of the beam may be directed to strike the eyes of an approaching driver.

(3) A new motor vehicle, other than a motorcycle or ~~motor-driven~~ **motor driven** cycle, registered in Indiana after January 1, 1956, that has multiple-beam road lighting equipment must be equipped with a beam indicator that must be lighted whenever the uppermost distribution of light from the head lamps is in use. The beam indicator must not otherwise be lighted. The beam indicator must be designed and located so that when lighted the indicator is readily visible without glare to the driver of the vehicle so equipped.

SECTION 33. IC 9-19-6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 22. (a) The head lamp or head lamps upon a **motorcycle or** ~~motor-driven~~ **motor driven** cycle may be of the single-beam or multiple-beam type.

(b) A head lamp on a **motorcycle or** ~~motor-driven~~ **motor driven** cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than:

(1) one hundred (100) feet when the **motorcycle or** ~~motor-driven~~ **motor driven** cycle is operated at a speed of less than twenty-five (25) miles per hour;

(2) two hundred (200) feet when the **motorcycle or** ~~motor-driven~~ **motor driven** cycle is operated at a speed of at least twenty-five (25) miles per hour; and

(3) **for a motorcycle or Class A motor driven cycle,** three hundred (300) feet when the **motorcycle or** ~~motor-driven~~ **motor driven** cycle is operated at a speed of at least thirty-five (35) miles per hour.

(c) If a **motorcycle or** ~~motor-driven~~ **motor driven** cycle is equipped with a multiple beam head lamp, the upper beam must meet the minimum requirements set forth in this section and must not exceed the limitations set forth in section 20(1) of this chapter and the lowermost distribution of light as set forth in section 20(2) of this chapter.

(d) If a **motorcycle or** ~~motor-driven~~ **motor driven** cycle is equipped with a single beam lamp, the lamp must be aimed so that when the vehicle is loaded none of the high-intensity part of the light will, at a distance of twenty-five (25) feet ahead, project higher than the level of the center of the lamp from which the light comes.

SECTION 34. IC 9-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. An individual less than eighteen (18) years of age who is operating or riding on a motorcycle **or motor driven cycle** on the streets or highways shall do the following:

(1) Wear ~~protective headgear meeting the minimum standards set by the bureau.~~ **a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.**

(2) Wear protective glasses, goggles, or transparent face shields.

SECTION 35. IC 9-19-7-2, AS AMENDED BY P.L.87-2010, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), a motorcycle **or motor driven cycle** operated on the streets or highways by a resident of Indiana must meet the following

requirements:

(1) Be equipped with handlebars that rise not higher than the shoulders of the driver when the driver is seated in the driver's seat or saddle.

(2) Be equipped with brakes in good working order on both front and rear wheels.

(3) Be equipped with footrests or pegs for both operator and passenger.

(4) Be equipped with lamps and reflectors meeting the standards of the United States Department of Transportation.

(b) A motorcycle **or motor driven cycle** manufactured before January 1, 1956, is not required to be equipped with lamps and other illuminating devices under subsection (a) if the motorcycle **or motor driven cycle** is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

SECTION 36. IC 9-19-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. A motorcycle **or motor driven cycle** manufactured before January 1, 1956, is not required to be equipped with the following devices:

(1) A rear view mirror.

(2) A speedometer.

(3) Mechanical or electric turn signals.

SECTION 37. IC 9-19-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A motor vehicle, except a motorcycle or a ~~motor-driven~~ **motor driven** cycle, required to be registered with the bureau must be equipped with a front windshield.

SECTION 38. IC 9-21-5-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8.5. A person may not ~~drive~~ **operate** a low speed vehicle on a highway that has a speed limit in excess of thirty-five (35) miles per hour.

SECTION 39. IC 9-21-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) This section does not apply to a motorcycle or ~~motorized bicycle.~~ **motor driven cycle.**

(b) A motor vehicle must display at least two (2) lighted lamps, one (1) on each side at the front of the motor vehicle.

(c) Whenever a motor vehicle equipped with head lamps required

under subsection (b) is also equipped with:

(1) auxiliary lamps;

(2) a spot lamp; or

(3) any other lamp on the front of the motor vehicle projecting a beam of intensity greater than three hundred (300) candlepower;

not more than a total of four (4) lamps described in this subsection on the front of a vehicle may be lighted at one (1) time when upon a highway.

(d) Passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers must display clearance and marker lamps, reflectors, and stop lights as required under this title when operated upon a highway. Except as provided in subsection (e), all lamp equipment required on vehicles described in this subsection shall be lighted at the times specified in section 2 of this chapter.

(e) Clearance and sidemarker lamps are not required to be lighted on a vehicle described in subsection (d) when the vehicle is operated within a municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

SECTION 40. IC 9-21-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) This section applies to a vehicle that is parked or stopped upon a roadway or shoulder adjacent to a roadway between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

(b) If there is sufficient light to reveal a person or object within a distance of five hundred (500) feet upon the street or highway upon which the vehicle is parked, no lights need be displayed upon the parked vehicle.

(c) This subsection does not apply to a ~~motor-driven~~ **motor driven** cycle. This subsection applies whether a vehicle parked or stopped is attended or unattended. If there is not sufficient light to reveal a person or object within a distance of five hundred (500) feet upon the highway upon which the vehicle is parked or stopped, the vehicle parked or stopped shall be equipped with one (1) or more lamps that meet the following requirements:

(1) At least one (1) lamp must display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle.

(2) The lamp described in subdivision (1) or at least one (1) other lamp must display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle.

(3) The lamp or lamps described in subdivisions (1) and (2) shall be installed as near as practicable on the side of the vehicle that is closest to passing traffic.

(d) Lighted head lamps upon a parked vehicle must be depressed or dimmed.

SECTION 41. IC 9-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing overtaking and passing.

(2) When the right half of a roadway is closed to traffic under construction or repair.

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable to a roadway divided into three (3) marked lanes.

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, a vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven:

(1) in the right-hand lane then available for traffic; or

(2) as close as practicable to the right-hand curb or edge of the roadway;

except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon all roadways, a motor driven cycle shall be driven as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SECTION 42. IC 9-21-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 20. The Indiana

department of transportation may by resolution or order entered in its minutes, and local authorities may by ordinance, with respect to any freeway or interstate highway system under their respective jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or other nonmotorized traffic or by a person operating a ~~motor-driven~~ **motor driven** cycle. The Indiana department of transportation or the local authority adopting a prohibiting regulation shall erect and maintain official signs on the freeway or interstate highway system on which the regulations are applicable. If signs are erected, a person may not disobey the restrictions stated on the signs.

SECTION 43. IC 9-21-9-0.5, AS AMENDED BY P.L.259-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart or off-road vehicle.

(4) A motor driven cycle.

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart or off-road vehicle to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, county, or town.

SECTION 44. IC 9-21-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** In addition to the person who operates a motorcycle ~~that has only two (2) wheels in contact with the ground or pavement,~~ **or a Class A motor driven cycle,** one (1) person may be carried on the motorcycle **or Class A motor driven cycle.** A passenger may be carried only on a firmly attached and regular seat designed for passenger use.

(b) A passenger may not be carried on a Class B motor driven cycle.

SECTION 45. IC 9-21-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A passenger may not be carried on a motorcycle **or Class A motor driven cycle** in

a position that interferes with the operation or control of the motorcycle **or Class A motor driven cycle** or the view of the person who operates the motorcycle **or Class A motor driven cycle.**

SECTION 46. IC 9-21-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. A person who operates a motorcycle **or motor driven cycle** may not carry a package, bundle, or other article that prevents the person from keeping both hands on the handlebars.

SECTION 47. IC 9-21-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. A person may not drive, operate, or ride as a passenger on a motorcycle ~~that has only two (2) wheels in contact with the ground or pavement~~ **or Class A motor driven cycle** in a position other than astride the seat or saddle provided.

SECTION 48. IC 9-21-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. Headlamps shall be illuminated at all times when a motorcycle **or motor driven cycle** is in operation.

SECTION 49. IC 9-21-10-7, AS AMENDED BY HEA 1080-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Subject to subsection (b), all traffic regulations and all rights and duties inured from the traffic regulations that apply to a person who drives or operates a motor vehicle apply to a person who operates a motorcycle **or motor driven cycle** except the following:

(1) Regulations that expressly do not apply to motorcycles **or motor driven cycles.**

(2) Regulations that by their nature have no application.

(b) IC 9-21-3-7(b)(3)(D) applies to the operation of a motorcycle.

SECTION 50. IC 9-21-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. A ~~motorcycle:~~

~~(1) with a design speed of not more than thirty (30) miles per hour; and~~

~~(2) that has a seat, but not a saddle;~~ **motor driven cycle** may not be operated on an interstate highway. ~~or on a highway outside the limits of a city or town.~~

SECTION 51. IC 9-21-10-9 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 9. If a person who is less than eighteen (18)~~

~~years of age is operating or riding on a motorcycle on the streets or highways, the person shall wear the following:~~

~~(1) Protective headgear meeting the minimum standards set by the bureau.~~

~~(2) Protective glasses, goggles, or a transparent face shield.~~

SECTION 52. IC 9-21-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. A person may not rent, lease, or furnish a motorcycle **or Class A motor driven cycle** to another person for use on the streets and highways who is not regularly licensed to operate a motor vehicle by the state in which the other person is a resident.

SECTION 53. IC 9-21-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. A person to whom a motorcycle **or Class A motor driven cycle** is rented, leased, or furnished may not rent, sublease, or otherwise authorize the use of the motorcycle **or Class A motor driven cycle** on the streets and highways to a person who is not licensed to operate a vehicle in Indiana.

SECTION 54. IC 9-21-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. A person may not rent, lease, or furnish a motorcycle **or motor driven cycle** that is not in safe operating condition.

SECTION 55. IC 9-21-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. A person riding a bicycle **or operating a Class B motor driven cycle** upon a roadway has all the rights and duties under this article that are applicable to a person who drives a vehicle, except the following:

(1) Special regulations of this article.

(2) Those provisions of this article that by their nature have no application.

SECTION 56. IC 9-21-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. A ~~motorized bicycle~~ **Class B motor driven cycle** may not be operated under any of the following conditions:

(1) By a person less than fifteen (15) years of age.

(2) By a person who has not obtained an identification card **with a Class B motor driven cycle endorsement** under IC 9-24, a permit under IC 9-24, an operator's license under IC 9-24, a

chauffeur's license under IC 9-24, or a public passenger chauffeur's license under IC 9-24.

(3) On an interstate highway or a sidewalk.

(4) At a speed greater than ~~twenty-five (25)~~ **thirty-five (35)** miles per hour.

SECTION 57. IC 9-21-11-13 IS REPEALED [EFFECTIVE JANUARY 1, 2015]. ~~Sec. 13. A person less than eighteen (18) years of age who operates or rides a motorized bicycle on a street or highway shall do the following:~~

~~(1) Wear protective headgear meeting the minimum standards set by the bureau or a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 in effect January 1, 1979.~~

~~(2) Wear protective glasses, goggles, or a transparent face shield.~~

SECTION 58. IC 9-24-1-1, AS AMENDED BY P.L.125-2012, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. **(a)** Except as otherwise provided in this chapter, an individual must have a valid Indiana:

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

(4) commercial driver's license;

(5) driver's license listed in subdivision (1), (2), (3), or (4) with:

(A) a motorcycle endorsement; **or**

(B) a motorcycle endorsement with a Class A motor driven cycle restriction;

(6) learner's permit; or

(7) motorcycle learner's permit;

issued to the individual by the bureau under this article to ~~drive~~ **operate** upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

(b) An individual must have:

(1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under IC 9-24-16; or

(2) a valid driver's license described in subsection (a);

to operate a Class B motor driven cycle upon an Indiana highway.

SECTION 59. IC 9-24-1-5, AS AMENDED BY P.L.85-2013,

SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) An individual must have: ~~a valid driver's license that may be any of the following to operate a motorcycle upon an Indiana highway:~~

(1) ~~an~~ **a valid** operator's, ~~a~~ chauffeur's, ~~a~~ public passenger chauffeur's, or ~~a~~ commercial driver's license with a motorcycle endorsement;

(2) a **valid** motorcycle learner's permit subject to the limitations imposed under IC 9-24-8; **or**

(3) a **valid** driver's license from any other jurisdiction that is valid for the operation of a motorcycle in that jurisdiction;

to operate a motorcycle upon an Indiana highway.

(b) An individual who held a motorcycle operator's license on December 31, 2011, must hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement in order to operate a motorcycle after December 31, 2011, without restrictions.

(c) An individual must have:

(1) a driver's license or learner's permit described in subsection (a); or

(2) a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license with a motorcycle endorsement with a Class A motor driven cycle restriction under IC 9-24-8-4(g);

to operate a Class A motor driven cycle upon an Indiana highway.

SECTION 60. IC 9-24-4-4, AS AMENDED BY P.L.125-2012, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. A chauffeur's license entitles the licensee to operate a motor vehicle, except a motorcycle, **Class A motor driven cycle,** or commercial motor vehicle without a proper permit or endorsement, upon a public highway. A chauffeur's license does not entitle the licensee to operate a motor vehicle as a public passenger chauffeur.

SECTION 61. IC 9-24-5-3, AS AMENDED BY P.L.85-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. A public passenger chauffeur's license entitles the licensee to:

(1) transport persons for hire; and

(2) operate a motor vehicle, except a commercial motor vehicle, **a Class A motor driven cycle,** or a motorcycle without the proper permit or endorsement;

upon a public highway.

SECTION 62. IC 9-24-8-3, AS AMENDED BY P.L.125-2012, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) The bureau shall issue a motorcycle learner's permit to an individual who meets the following conditions:

(1) The individual holds a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license issued under this article.

(2) The individual passes a written examination developed by the bureau concerning the safe operation of a motorcycle.

(b) A motorcycle learner's permit authorizes the permit's holder to operate a motorcycle **or Class A motor driven cycle** upon a highway during a period of one (1) year under the following conditions:

(1) The holder wears a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) The motorcycle **or Class A motor driven cycle** is operated only during daylight hours.

(3) The motorcycle **or Class A motor driven cycle** does not carry passengers other than the operator.

(c) A motorcycle learner's permit may be renewed one (1) time for a period of one (1) year. An individual who does not obtain a motorcycle operator endorsement before the expiration of the renewed learner's permit must wait one (1) year to reapply for a new motorcycle learner's permit.

SECTION 63. IC 9-24-8-4, AS AMENDED BY P.L.85-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) Except as provided in subsections (b) and (c), the bureau shall validate an operator's, a chauffeur's, a public passenger chauffeur's, or a commercial driver's license for motorcycle operation upon a highway by endorsement to a person who:

(1) satisfactorily completes the written and approved operational skills tests;

(2) satisfactorily completes a motorcycle operator safety

education course approved by the bureau as set forth in IC 9-27-7; or

(3) holds a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully completes the written test.

The bureau may waive the testing requirements for an individual who has completed a course described in subdivision (2).

(b) The bureau may not issue a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** to an individual less than sixteen (16) years and one hundred eighty (180) days of age.

(c) If an applicant for a motorcycle license endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** is less than eighteen (18) years of age, the bureau may not issue a license endorsement described in subsection (a) **or (g), as applicable,** if the applicant is ineligible under IC 9-24-2-1.

(d) The bureau shall develop and implement both a written test and an operational skills test to determine whether an applicant for a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** demonstrates the necessary knowledge and skills to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction** must pass the written exam before taking the operational skills test. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning a motorcycle endorsement **or a motorcycle endorsement with a Class A motor driven cycle restriction.**

(e) An individual may apply for a motorcycle endorsement **or a**

motorcycle endorsement with a Class A motor driven cycle restriction not later than the expiration date of the permit. However, an individual who holds a learner's permit and does not pass the operating skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

(f) A person who held a valid Indiana motorcycle operator's license on December 31, 2011, may be issued a motorcycle operator's endorsement after December 31, 2011, on a valid Indiana operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license after:

(1) making the appropriate application for endorsement;

(2) passing the appropriate examinations; and

(3) paying the appropriate fee set forth in IC 9-29-9-7 or IC 9-29-9-8.

(g) Except as provided in subsections (b) and (c), the bureau may validate a driver's license described in subsection (a) for Class A motor driven cycle operation upon a highway by endorsement with a Class A motor driven cycle restriction to a person who:

(1) makes the appropriate application for endorsement;

(2) satisfactorily completes the written and approved operational skills tests described in subsection (a)(1); and

(3) pays the appropriate fees under IC 9-29-9.

SECTION 64. IC 9-24-8-6, AS AMENDED BY P.L.85-2013, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. In addition to any other penalty, the bureau:

(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle **or motor driven cycle** under the influence of alcohol; and

(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction.

SECTION 65. IC 9-24-12-7, AS AMENDED BY P.L.109-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. A motorcycle ~~operator~~ endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** remains in effect for the same term as the license being

endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

SECTION 66. IC 9-24-16-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 1.5. An individual must have:**

(1) an unexpired identification card with a Class B motor driven cycle endorsement issued to the individual by the bureau under this chapter; or

(2) a valid driver's license described in IC 9-24-1-1(a);

to operate a Class B motor driven cycle upon an Indiana highway.

SECTION 67. IC 9-24-16-2, AS AMENDED BY P.L.85-2013, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) An application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) A digital photograph of the applicant.

(8) The signature of the applicant showing the applicant's legal name as it will appear on the identification card.

(9) If the applicant is also applying for a Class B motor driven cycle endorsement, verification that the applicant has satisfactorily completed the test required under section 3.6 of this chapter.

The bureau shall maintain records of the information provided under subdivisions (1) through ~~(8).~~ **(9).**

(b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(c) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

(d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(e) In addition to the information required under subsection (a), an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) verify the applicant's veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States.

The bureau shall maintain records of the information provided under this subsection.

SECTION 68. IC 9-24-16-3, AS AMENDED BY SEA 24-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.
(4) Date of issue and date of expiration.
(5) Unique identification number.
(6) Gender.
(7) Weight.
(8) Height.
(9) Color of eyes and hair.
(10) Reproduction of the signature of the individual identified.
(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
(A) eighteen (18) years of age; and
(B) twenty-one (21) years of age.
(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.
(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the identification card.

(d) If the individual:
(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and
(2) has provided proof of any discharge or separation, other than a dishonorable discharge, from the armed forces of the United States;

an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The

information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) An identification card issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(h) The bureau shall validate an identification card for Class B motor driven cycle operation upon a highway by endorsement to an individual who:

(1) applies for or has previously been issued an identification card under this chapter;

(2) makes the appropriate application for endorsement; and

(3) satisfactorily completes the test required under section 3.6 of this chapter.

The bureau shall place a designation on the face of the identification card to indicate that the individual has received a Class B motor driven cycle endorsement.

SECTION 69. IC 9-24-16-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 3.6. The bureau shall develop and implement a test to determine whether an applicant for a Class B motor driven cycle endorsement demonstrates the necessary knowledge of traffic control devices to operate a Class B motor driven cycle upon a highway. Upon the request of an individual with a disability, or of a representative of an individual with a disability, the bureau shall make available to the individual a test that:**

(1) complies with this section; and

(2) accommodates the individual's disability.

SECTION 70. IC 9-24-16-10, AS AMENDED BY P.L.85-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. However, the bureau may not impose a fee for the issuance of:

(1) an original;

(2) a renewal of an;

(3) a replacement; or

(4) an amended;

identification card to an individual described in subsection (b). **For purposes of this subsection, the amendment of an identification card includes the addition of a Class B motor driven cycle endorsement to the identification card.**

(b) An identification card must be issued without the payment of a fee or charge to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age and eligible to vote in the next general, municipal, or special election.

SECTION 71. IC 9-24-18-1, AS AMENDED BY HEA 1279-2014, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(b) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

(1) had been issued a driver's license or permit that was valid; **or**

(2) was operating a Class B motor driven cycle;

at the time of the alleged offense. **However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.**

SECTION 72. IC 9-24-19-7, AS AMENDED BY P.L.85-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. In a prosecution under this chapter, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

(1) had been issued a driver's license or permit that was valid; **or**

(2) was operating a Class B motor driven cycle;

at the time of the alleged offense. **However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.**

SECTION 73. IC 9-29-3-10, AS AMENDED BY P.L.109-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10. (a) Fifty cents ($0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(b) The service charge for a motorcycle learner's permit, ~~or~~ motorcycle endorsement, **or motorcycle endorsement with a Class A motor driven cycle restriction** of an operator's license issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents ($1.50). The service charge for a motorcycle endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** of an operator's license issued to or renewed for an individual less than seventy-five (75) years of age is two dollars and twenty-five cents ($2.25).

SECTION 74. IC 9-29-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 11. (a) The service charge for each motorcycle ~~operator~~ endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** of a chauffeur's license or a public passenger chauffeur's license is one dollar ($1).

(b) Fifty cents ($0.50) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

SECTION 75. IC 9-29-5-2, AS AMENDED BY P.L.13-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The fee for the registration of a motorcycle **or motor driven cycle** is seventeen dollars and thirty cents ($17.30). The revenue from this fee shall be allocated as follows:

(1) Seven dollars ($7) to the motorcycle operator safety education fund established by IC 9-27-7-7.

(2) An amount prescribed as a license branch service charge under IC 9-29-3.

(3) Thirty cents ($0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.

(4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 76. IC 9-29-9-7, AS AMENDED BY P.L.109-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. The fee for validation of a motorcycle ~~operator~~ endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** under IC 9-24-8-4 and IC 9-24-12-7 of an operator's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars ($3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents ($4.50).

SECTION 77. IC 9-29-9-8, AS AMENDED BY P.L.109-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The fee for validation of a motorcycle ~~operator~~ endorsement **or motorcycle endorsement with a Class A motor driven cycle restriction** under IC 9-24-8-4 and IC 9-24-12-7 of a chauffeur's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars ($3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents ($4.50).

SECTION 78. IC 9-29-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. The fee for a motorcycle ~~operator~~ endorsement **or motorcycle endorsement with**

a Class A motor driven cycle restriction of a public passenger chauffeur's license is one dollar and fifty cents ($1.50).

SECTION 79. IC 9-30-10-4, AS AMENDED BY P.L.85-2013, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, **or** IC 9-24-19-3. ~~or IC 9-24-19-4.~~

(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

(12) Operating a Class B motor driven cycle in violation of IC 9-24-1-1(b).

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be

added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 80. IC 9-30-10-9, AS AMENDED BY P.L.85-2013, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) This section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) If a court finds that a person:

(1) is a habitual violator under section 4(c) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

(A) is substantially in excess of the mileage of an average driver; and

(B) may have been a factor that contributed to the person's poor driving record;

(4) does not have:

(A) a judgment for a violation enumerated in section 4(a) of this chapter; or

(B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter; and

(5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d).

(c) If a court finds that a person:

(1) is a habitual violator under section 4(b) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) does not have a judgment for any violation listed in section 4(a) of this chapter;

(4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and

(5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (d). However, if the person has any judgments for operation of a vehicle before July 1, 2001, while intoxicated or with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, or for the operation of a vehicle after June 30, 2001, while intoxicated or with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the blood or two hundred ten (210) liters of the breath, the court, before the court places a person on probation under subsection (d), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by the division of mental health and addiction or the Indiana judicial center.

(d) Whenever a court places a habitual violator on probation, the court:

(1) shall record each of the court's findings under this section in writing;

(2) shall order the bureau to issue the person probationary driving privileges for a fixed period of not more than the applicable remaining period of suspension;

(3) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:

(A) commercial or business purposes or other employment related driving;

(B) specific purposes in exceptional circumstances;

(C) rehabilitation programs; and

(D) specified hours during which the person may drive;

(4) shall require the person to submit to reasonable monitoring

requirements;

(5) shall order the person to file proof of future financial responsibility for three (3) years following the date of being placed on probation; and

(6) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was convicted of an offense described in IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):

(A) An order prohibiting the person from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while under the influence of any other intoxicating substance.

(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under the conditions described in subsection (d)(1) through (d)(5).

(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 81. IC 9-30-10-13, AS AMENDED BY P.L.85-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 13. (a) The bureau may issue driving privileges to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction

or suspension of the person's driving privileges has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the bureau and maintains, for three (3) years after termination of probation, restriction, or suspension of driving privileges, proof of future financial responsibility in accordance with IC 9-25.

(4) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

for three (3) years after termination of probation, restriction, or suspension of driving privileges.

(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau may issue driving privileges to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the driving privileges are to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle

operators.

(5) The person:

(A) files with the bureau; and

(B) maintains for three (3) years after rescission of the suspension;

proof of future financial responsibility in accordance with IC 9-25.

(6) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86) for three (3) years after termination of probation, restriction, or suspension of driving privileges.

(7) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(c) A habitual violator is not eligible for relief under the hardship provisions of IC 9-24-15.

(d) The bureau shall not issue driving privileges to a person who does not satisfy all of the requirements set forth in subsections (a) and (b).

SECTION 82. IC 9-30-10-15, AS AMENDED BY P.L.85-2013, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 15. (a) Upon receiving a petition filed under section 14 of this chapter, a court shall set a date for hearing the matter and direct the clerk of the court to provide notice of the hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner resides.

(3) The bureau.

(b) A court may order the rescission of the order that required the suspension of the petitioner's driving privileges for life and may order the bureau to reinstate the driving privileges of a petitioner whose driving privileges have been suspended for life if, after the hearing of the matter, the court makes the following written findings and conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this chapter that ten (10) years have elapsed since the date on which an order was issued that required the suspension of the petitioner's driving privileges for life.

(5) That there has been a substantial change in the petitioner's circumstances indicating the petitioner would no longer pose a risk to the safety of others if the petitioner's driving privileges were reinstated.

(6) That there has been a substantial change in the petitioner's circumstances indicating that the suspension of the petitioner's driving privileges for life has become unreasonable.

(7) That it is in the best interests of society for the petitioner's driving privileges to be reinstated.

(8) If the person is petitioning the court under section 14(e) of this chapter:

(A) that three (3) years have elapsed since the date the order was issued that required the suspension of the petitioner's driving privileges for life; and

(B) that the conditions listed under section 14(e) of this chapter are satisfied.

(c) The petitioner has the burden of proof under this section and an order issued under subsection (b) is a final order, appealable by any party to the action.

(d) In an order for reinstatement of driving privileges issued under this section, the court may require the bureau to issue the prevailing petitioner:

(1) driving privileges under section 13(b) of this chapter; or

(2) restricted driving privileges for a time and subject to conditions specified by the court, which must include one (1) or more of the following conditions if the person was determined to be a habitual violator under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4):

(A) Specified hours during which the person may drive.

(B) An order prohibiting the person from operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle ~~or motorized bicycle~~ with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle ~~or motorized bicycle~~ and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable

monitoring requirement as determined by the court.

(e) If a court orders the bureau to issue restricted or probationary driving privileges to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted or probationary driving privileges and upon:

(1) fulfillment by the petitioner of the conditions specified by the court; and

(2) the expiration of the restricted driving privileges issued under subsection (d)(2);

the bureau shall issue the petitioner driving privileges to operate a motor vehicle under section 13(b) of this chapter.

(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 83. IC 9-30-10-17.5, AS AMENDED BY P.L.125-2012, SECTION 358, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 17.5. A person who operates a vehicle ~~or motorized bicycle~~ in violation of conditions of restricted driving privileges ordered by a court under section 9(d)(6) or 15(d)(2) of this chapter commits a Class A misdemeanor.

SECTION 84. IC 9-30-10-18, AS AMENDED BY P.L.28-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. **(a)** In a criminal action brought under section 16, 17, or 17.5 of this chapter, it is a defense that the operation

of a motor vehicle ~~or motorized bicycle~~ was necessary to save life or limb in an extreme emergency. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

(b) In an action brought under section 16, 17, or 17.5 of this chapter, it is a defense that the defendant was operating a Class B motor driven cycle, unless the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12. The defendant must bear the burden of proof by a preponderance of the evidence to establish this defense.

SECTION 85. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 130.1. (a) "Motor vehicle", for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a ~~motorized bicycle.~~ **motor driven cycle.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 86. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

(1) motor driven, either by gas or electricity;

(2) used to carry passengers or equipment; and

(3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:

(A) passenger motor vehicle (as defined in IC 9-13-2-123);

(B) recreational vehicle (as defined in IC 9-13-2-150); or

(C) truck (as defined in IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(b) The term does not include:

(1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);

(2) a motorcycle (as defined in IC 9-13-2-108);

~~(3) a motor scooter (as defined in IC 9-13-2-104);~~

~~(4) a motorized bicycle (as defined in IC 9-13-2-109);~~

(3) a motor driven cycle (as defined in IC 9-13-2-104.1); or

~~(5)~~ **(4)** an off-road vehicle.

SECTION 87. IC 24-5-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. As used in this chapter, "motor vehicle" or "vehicle" means any self-propelled vehicle that:

(1) has a declared gross vehicle weight of less than ten thousand (10,000) pounds;

(2) is sold to:

(A) a buyer in Indiana and registered in Indiana; or

(B) a buyer in Indiana who is not an Indiana resident (as defined in IC 9-13-2-78);

(3) is intended primarily for use and operation on public highways; and

(4) is required to be registered or licensed before use or operation.

The term does not include conversion vans, motor homes, farm tractors, and other machines used in the actual production, harvesting, and care of farm products, road building equipment, truck tractors, road tractors, motorcycles, ~~mopeds,~~ **motor driven cycles,** snowmobiles, or vehicles designed primarily for offroad use.

P.L.222-2014
[H.1423. Approved March 27, 2014.]

AN ACT to amend the Indiana Code concerning utilities and transportation.

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

SECTION 1. IC 8-1-2-24, AS AMENDED BY P.L.133-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Nothing in this chapter shall be taken to prohibit a public utility from entering into any reasonable arrangement with its customers or consumers, or with its employees, or with any municipality in which any of its property is located, for the division or distribution of its surplus profits, or providing for a sliding scale of charges or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purpose of this chapter. Such arrangement shall be under the supervision and regulation of the commission.

(b) A customer of an electricity supplier (as defined in IC 8-1-2.3-2) that is a public utility that is under the jurisdiction of the commission for the approval of rates and charges may apply to the commission for a temporary discount to the demand component of the rates and charges contained in the electricity supplier's applicable standard tariff for service to a single facility of the customer that is located in Indiana if the customer:

(1) has or will have a maximum demand for electricity of at least ~~ten (10)~~ **five (5)** megawatts at the facility;

(2) employs **or will employ** more than fifty (50) full-time employees at the facility;

(3) demonstrates that the temporary discount is necessary and essential for the customer to **locate a facility in Indiana or to**

attract or create additional jobs or retain existing jobs at the facility;

(4) demonstrates that the customer's demand for electricity at the facility will:

(A) for an existing customer, increase by at least one (1) megawatt as a result of the jobs created or retained under subdivision (3); **or**

(B) for a prospective customer, equal at least five (5) megawatts as a result of locating the facility in Indiana; and

(5) has applied for and received from the Indiana economic development corporation approval for the requested temporary discount amount.

(c) Upon receiving an application from a customer of an electricity supplier under subsection (b), the commission may approve a temporary discount to the demand component of the rates and charges contained in the electricity supplier's applicable standard tariff if the commission finds that the discount is just and reasonable and consistent with the circumstances described by the customer under subsection (b), as follows:

(1) For circumstances not described in subdivision (2) or (3), a discount up to ten percent (10%).

(2) For circumstances involving a redevelopment project in which the customer is involved, a discount up to fifteen percent (15%).

(3) For circumstances involving a brownfield project in which the customer is involved, a discount up to twenty percent (20%).

(d) A temporary discount authorized under subsection (c) expires three (3) years after the effective date of the discount. The cost of the temporary discount shall be included by the commission in the cost of service for the electricity supplier and shall be deferred for ratemaking purposes by the electricity supplier for subsequent recovery in connection with the electricity supplier's next general retail electric rate case.

(e) A customer that receives a temporary discount under this section for service to a facility may not:

(1) enter into a contract with the customer's electricity supplier for electric utility service to the facility that provides for rates, terms, or conditions that differ from the rates, terms, and conditions

contained in the electricity supplier's applicable standard tariff; or

(2) take electric utility service to the facility under a commission-approved economic development tariff offered by the electricity supplier.

(f) A temporary discount authorized under subsection (c) applies **as follows:**

(1) For an existing customer, only to the demand component of the customer's rates and charges related to the increase in the customer's load described in subsection ~~(b)(4).~~ **(b)(4)(A).** However, the commission may authorize the application of the applicable temporary discount under subsection (c) to all or part of the demand component of the customer's rates and charges related to the entire facility if the commission determines that a broader application is beneficial to all customers of the electricity supplier.

(2) For a prospective customer, to the demand components of the customer's rates and charges related to the entire load described in subsection (b)(4)(B).

(g) As used in this section, and except where otherwise indicated, "customer" includes a prospective customer of an electricity supplier.

SECTION 2. IC 8-1-2.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The definitions in this section apply throughout this chapter.

(b) "Alternate energy production facility" means:

(1) a solar, wind turbine, waste management, resource recovery, refuse-derived fuel, or wood burning facility;

(2) any land, system, building, or improvement that is located at the project site and is necessary or convenient to the construction, completion, or operation of the facility; and

(3) the transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

(c) "Cogeneration facility" means:

(1) a facility that:

(A) simultaneously generates electricity and useful thermal energy; and

(B) meets the energy efficiency standards established for

cogeneration facilities by the Federal Energy Regulatory Commission under 16 U.S.C. 824a-3;

(2) any land, system, building, or improvement that is located at the project site and is necessary or convenient to the construction, completion, or operation of the facility; and

(3) the transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

(d) "Electric utility" means any public utility or municipally owned utility that owns, operates, or manages any electric plant.

(e) "Small hydro facility" means:

(1) a hydroelectric facility at a dam;

(2) any land, system, building, or improvement that is located at the project site and is necessary or convenient to the construction, completion, or operation of the facility; and

(3) the transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

(f) "Steam utility" means any public utility or municipally owned utility that owns, operates, or manages a steam plant.

(g) "Private generation project" means a cogeneration facility that has an electric generating capacity of eighty (80) megawatts or more and is:

(1) primarily used by its owner for the owner's industrial, commercial, heating, or cooling purposes; or

(2) a qualifying facility for purposes of the Public Utility Regulatory Policies Act of 1978 that:

(A) is in existence on July 1, 2014; and

(B) produces electricity and useful thermal energy that is primarily used by a host operation for industrial, commercial, heating, or cooling purposes.

SECTION 3. IC 8-1-2.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The commission shall encourage the participation of utilities in alternate energy production facilities, cogeneration facilities, ~~and~~ small hydro facilities, **and private generation projects.**

SECTION 4. IC 8-1-2.4-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2014]: **Sec. 6. (a) The owner of a private generation project may sell excess electric output generated by the private generation project to an electric utility as provided in subsection (b) to the extent the sale is consistent with applicable federal and state laws, rules, and regulations.**

(b) An electric utility may purchase excess output described in subsection (a) from a private generation project that is located entirely in the assigned service area of the electric utility. The terms of the purchase must be consistent with the integrated resource plan filed with the commission by the electric utility under 170 IAC 4-7, including avoided energy and capacity costs determined in the integrated resource plan.

(c) An electric utility is entitled to recover costs associated with the purchase of energy and capacity under subsection (b) under IC 8-1-2-42(d).

(d) An electric utility shall interconnect with a private generation project upon request, subject to reasonable considerations of safety, reliability, and financial assurance. The interconnection of a private generation project with an electric utility's distribution system is governed by 170 IAC 4-4.3. The interconnection of a private generation project with an electric utility's transmission system is governed by federal law and regulation, including orders, regulations, and transmission tariffs approved by the Federal Energy Regulatory Commission.

(e) Upon the request of the owner of a private generation project, an electric utility shall provide the private generation project with back up, maintenance, and supplementary power. The electric utility shall charge rates that:

(1) are based on the electric utility's costs;

(2) do not discriminate against:

(A) the private generation project; or

(B) other customers of the electric utility with load characteristics similar to the private generation project; and

(3) do not create subsidies for:

(A) the private generation project; or

(B) retail customers of the electric utility.

SECTION 5. **An emergency is declared for this act.**

P.L.223-2014
[S.340. Approved March 28, 2014.]

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-8.5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) For purposes of this section, "DSM order" refers to an order of the commission that establishes or approves:**

(1) energy efficiency targets or goals for electricity suppliers; or

(2) an energy efficiency program sponsored by an electricity supplier.

The term includes the December 9, 2009, order of the commission concerning demand side management programs.

(b) For purposes of this section, "electricity supplier" has the meaning set forth in IC 8-1-2.3-2(b).

(c) For purposes of this section, "energy efficiency program" means a program that is:

(1) sponsored by an electricity supplier or a third party administrator; and

(2) designed to implement energy efficiency improvements (as defined in 170 IAC 4-8-1(j)) for customers.

The term does not include a program designed primarily to reduce demand.

(d) For purposes of this section, "energy efficiency program costs" include:

(1) program costs;

(2) lost revenues; and

(3) incentives approved by the commission.

(e) For purposes of this section, "industrial customer" means a person that receives services at a single site constituting more than

one (1) megawatt of electric capacity from an electricity supplier.

(f) An industrial customer may, before July 1, 2019, opt out of participating in an energy efficiency program that is established by an electricity supplier in response to a DSM order by providing notice to the electricity supplier. An industrial customer may not opt out of participating in an energy efficiency program after June 30, 2019. Except as provided in subsection (g), an electricity supplier may not charge an industrial customer that opts out rates that include energy efficiency program costs that accrue or are incurred after the date on which the industrial customer opts out. However, an industrial customer remains liable for rates that include energy efficiency program costs that accrued or were incurred, or related to investments made, before the date on which the industrial customer opts out, regardless of the date on which the rates are actually assessed against the industrial customer.

(g) An industrial customer that opts out of participating in an energy efficiency program may subsequently opt to participate in the same or a different energy efficiency program. The industrial customer must participate in the subsequent energy efficiency program for at least three (3) years after the date on which the industrial customer opts in. If the industrial customer terminates participation in the subsequent energy efficiency program during the three (3) year period described in this subsection, the industrial customer shall continue paying energy efficiency program rates, including costs described in subsection (f), for the remainder of the three (3) year period.

(h) Energy efficiency targets or goals that are approved or mandated by the commission in a DSM order must be calculated to exclude all load from an industrial customer that opts out under subsection (f).

(i) The commission may adopt:

(1) rules under IC 4-22-2; or

(2) guidelines;

to assist electricity suppliers and industrial customers in complying with this section.

(j) Not later than August 15, 2014, the commission shall prepare a status report on all energy efficiency programs implemented under the DSM order issued by the commission on December 9, 2009. The commission shall provide the status report in an

electronic format under IC 5-14-6 to the regulatory flexibility committee and legislative council. The status report must consider the following:

(1) The status and effectiveness of all energy efficiency programs, including whether efficiency gains attributable to a federal conservation program are being measured as part of an energy efficiency program implemented under the 2009 DSM order.

(2) The degree to which energy efficiency program costs are shifted among customer classes.

(3) Program costs to date.

(4) Program costs projected to be incurred in complying with all DSM orders.

(5) The actual impact of program costs on all customer rates and the projected impact of program costs on all customer rates upon full implementation of the 2009 DSM order.

(6) Current and projected costs and benefits of current and anticipated energy efficiency programs, including costs and benefits associated with third party administrators and evaluation, measurement, and verification contractors.

(7) The effectiveness of energy efficiency programs in reducing energy consumption and demand.

(8) Methods by which the cost effectiveness and long term resource value of energy efficiency programs may be measured to assess the effect on rates and charges for all customers.

(9) Methods by which the interests of customers and electricity suppliers may be better aligned.

(10) Any additional information or recommendations the commission determines is necessary.

This subsection expires December 31, 2014.

(k) The commission may not:

(1) extend, renew, or require the establishment of an energy efficiency program under; or

(2) after December 31, 2014, require an electricity supplier to meet a goal or target established in;

the DSM order issued by the commission on December 9, 2009. An electricity supplier may not renew or extend an existing contract or enter into a new contract with a statewide third party

administrator for an energy efficiency program established or approved by the DSM order issued by the commission on December 9, 2009.

(l) After December 31, 2014, an electricity supplier may continue to timely recover energy efficiency program costs that:

(1) accrued or were incurred under or relate to an energy efficiency program implemented under the DSM order issued by the commission on December 9, 2009; and

(2) are approved by the commission for recovery.

(m) After December 31, 2014, an electricity supplier may offer a cost effective portfolio of energy efficiency programs to customers. An electricity supplier may submit a proposed energy efficiency program to the commission for review. If an electricity supplier submits a proposed energy efficiency program for review and the commission determines that the portfolio included in the proposed energy efficiency program is reasonable and cost effective, the electricity supplier may recover energy efficiency program costs in the same manner as energy efficiency program costs were recoverable under the DSM order issued by the commission on December 9, 2009. The commission may not:

(1) require an energy efficiency program to be implemented by a third party administrator; or

(2) in making its determination, consider whether a third party administrator implements the energy efficiency program.

(n) This section does not affect:

(1) an energy efficiency program offered by an energy utility (as defined in IC 8-1-2.5-2) that is not an electricity supplier; or

(2) the manner in or means by which an energy utility described in subdivision (1) may recover costs associated with an energy efficiency program described in subdivision (1).

SECTION 2. **An emergency is declared for this act.**

P.L.224-2014
[SJ.9. Enrolled March 3, 2014.]

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning natural and cultural resources.

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

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eighteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 39. (a) The right to hunt, fish, and harvest wildlife:**

(1) is a valued part of Indiana's heritage; and

(2) shall be forever preserved for the public good.

(b) The people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to:

(1) promote wildlife conservation and management; and

(2) preserve the future of hunting and fishing.

(c) Hunting and fishing shall be a preferred means of managing and controlling wildlife.

(d) This section shall not be construed to limit the application of any provision of law relating to trespass or property rights.

P.L.225-2014
[HJ.3. Enrolled February 17, 2014.]

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana by adding a new Section concerning marriage.

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

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eighteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 38. Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana.**

CERTIFICATE

INDIANA GENERAL ASSEMBLY

SS:

STATE OF INDIANA

We, the undersigned, do hereby certify that P.L.1-2014 through P.L.225-2014 of the Second Regular Session of the One Hundred Eighteenth General Assembly of the State of Indiana have been compared with the enrolled acts from which they were taken and have been found correctly printed.

Signed in the State of Indiana, this 10th day of April, 2014.

David C. Long
President Pro Tempore, Senate

Brian C. Bosma
Speaker, House of Representatives

Seal

CERTIFICATE

INDIANA GENERAL ASSEMBLY

SS:

STATE OF INDIANA

We, the undersigned, do hereby certify that P.L.226-2014(ts) of the Second Regular Technical Session of the One Hundred Eighteenth General Assembly of the State of Indiana has been compared with the enrolled act from which it was taken and has been found correctly printed.

Signed in the State of Indiana, this 17th day of June, 2014.

David C. Long
President Pro Tempore, Senate

Brian C. Bosma
Speaker, House of Representatives

Seal

118th GENERAL ASSEMBLY

SECOND REGULAR TECHNICAL SESSION
(2014)

ACTS 2014

Laws enacted by the

118th GENERAL ASSEMBLY

at the

SECOND REGULAR TECHNICAL SESSION
(2014)

(P.L.226-2014(ts))

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

Office of Code Revision
Legislative Services Agency

P.L.226-2014(ts)
[H.1448. Approved June 20, 2014.]

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

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

SECTION 1. IC 6-2.5-5-27, AS AMENDED BY P.L.277-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 27. (a) Except as provided in subsection (b), transactions involving tangible personal property and services are exempt from the state gross retail tax, if the person acquiring the property or service directly uses or consumes it in providing public transportation for persons or property.

(b) Except as provided in subsection (c), a transaction involving ~~alternative fuel (as defined by IC 6-6-2.5-1)~~ **a natural gas product (as defined by IC 6-6-2.5-16.5)** acquired:

(1) after December 31, 2013, and before January 1, 2017; and

(2) to fuel a motor vehicle used in providing public transportation for persons or property;

is not exempt from the state gross retail tax.

(c) Subsection (b) does not apply to transactions involving ~~alternative fuel~~ **a natural gas product** purchased by a public transportation corporation to fuel a motor vehicle used to provide public transportation for persons.

SECTION 2. IC 9-17-3-7, AS AMENDED BY P.L.92-2013, SECTION 42, AS AMENDED BY P.L.158-2013, SECTION 138, AND AS AMENDED BY P.L.217-2014, SECTION 16, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. *(a)* This section does not apply to section 5 of this chapter.

(b) Except as provided in ~~*subsection (c),*~~ **sections 3.2(b) and** *3.4(d) of this chapter,* a person who violates this chapter commits a Class C infraction.

~~*(c) A person who knowingly or intentionally violates:*~~

~~*(1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) 3.4(a)(1) or 3.4(a)(2) of this chapter commits a Class B misdemeanor; or*~~

~~*(2) section 3(a)(3) of this chapter commits:*~~

~~*(A) a Class A misdemeanor for the first violation; or*~~

~~*(B) a Level 6 felony for the second violation or any subsequent violation.*~~

SECTION 3. IC 35-33-1-1, AS AMENDED BY P.L.171-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

(1) a warrant commanding that the person be arrested;

(2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit,a felony;

(3) probable cause to believe the person has violated the provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous

device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

~~(11)~~ **(12)** a removal order issued for the person by an immigration court;

~~(12)~~ **(13)** a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

~~(13)~~ **(14)** probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 4. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts), SECTION 3, AND AS AMENDED BY P.L.217-2014, SECTION 188, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

(1) a warrant commanding that the person be arrested;

(2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;

(3) probable cause to believe the person has violated the provisions of ~~*IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4,*~~ *IC 9-26-1-1.1* or IC 9-30-5;

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

~~(11)~~ *(12)* a removal order issued for the person by an immigration court;

~~(12)~~ *(13)* a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

~~(13)~~ *(14)* probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the

person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 5. IC 35-42-4-7, AS AMENDED BY P.L.168-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; or

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or

cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "mental health professional" means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or

(3) a psychiatrist.

(g) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(h) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(i) For purposes of this section, a person has a "professional relationship" with a child if:

(1) the person:

(A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or

(B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and

(2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision (1)(B).

(j) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(k) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(l) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(m) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction. ~~a Level 6 felony. However, the offense is a Level 5 felony if the person engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.~~

(n) A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;

commits child seduction.

(o) A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5);

or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

(p) In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person under this section, the trier of fact may consider one (1) or more of the following:

(1) The age difference between the person and the child.

(2) Whether the person was in a position of trust with respect to the child.

(3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.

(4) The authority that the person had over the child.

(5) Whether the person exploited any particular vulnerability of the child.

(6) Any other evidence relevant to the person's ability to exert undue influence over the child.

(q) Child seduction under this section is:

(1) a Level 6 felony if the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:

(A) the child; or

(B) the person or law enforcement officer; and

(2) a Level 5 felony if the person or law enforcement officer engaged in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.

SECTION 6. IC 35-48-4-1, AS AMENDED BY P.L.168-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams; or

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

SECTION 7. IC 35-48-4-1.1, AS AMENDED BY P.L.168-2014, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams;

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies; or

(3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.

SECTION 8. IC 35-48-4-2, AS AMENDED BY P.L.168-2014, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule

I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug;

commits dealing in a schedule I, II, or III controlled substance, a Level 6 felony, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 9. IC 35-48-4-3, AS AMENDED BY P.L.168-2014,

SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule IV; or

(2) possesses, with intent to manufacture or deliver, a controlled substance, pure or adulterated, classified in schedule IV;

commits dealing in a schedule IV controlled substance, a Class A misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture or deliver the controlled substance.

(c) The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 10. IC 35-48-4-4, AS AMENDED BY P.L.168-2014,

SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a Class B misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Class A misdemeanor if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 11. IC 35-48-4-6.1, AS AMENDED BY P.L.168-2014, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is less than five (5) grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is ~~more than~~ **at least** twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 12. IC 35-48-4-11, AS AMENDED BY P.L.168-2014, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, or salvia, a Class

B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least ~~two (2)~~ **five (5)** grams of hash oil, hashish, or salvia.

~~in any thirty (30) day period.~~

SECTION 13. IC 35-50-2-4, AS AMENDED BY P.L.168-2014, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who commits a Class A felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) **Except as provided in subsection (c),** a person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(c) A person who commits a Level 1 felony child molesting offense described in:

(1) IC 35-31.5-2-72(1); or

(2) IC 35-31.5-2-72(2);

shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

SECTION 14. [EFFECTIVE JULY 1, 2014] **Notwithstanding the effective date in P.L.217-2014, SECTION 14, for IC 9-17-3-3.2, and P.L.217-2014, SECTION 15, for IC 9-17-3-3.4, the effective date of each of those SECTIONS is July 1, 2014, and not January 1, 2015.**

SECTION 15. **An emergency is declared for this act.**

CERTIFICATE

INDIANA GENERAL ASSEMBLY

SS:

STATE OF INDIANA

We, the undersigned, do hereby certify that P.L.226-2014(ts) of the Second Regular Technical Session of the One Hundred Eighteenth General Assembly of the State of Indiana has been compared with the enrolled act from which it was taken and has been found correctly printed.

Signed in the State of Indiana, this 17th day of June, 2014.

David C. Long
President Pro Tempore, Senate

Brian C. Bosma
Speaker, House of Representatives

Seal

STATEMENT OF FUND NET POSITION OF AUDITOR OF STATE

For the Fiscal Year Ended June 30, 2013

(amounts expressed in thousands)

	Balance 07/01/12	Revenues	Expenditures	Balance 06/30/13
Governmental Funds				
General Fund	$ 3,391,144	$ 13,527,118	$ 12,078,737	$ 3,338,250
Other Financing Sources, Net		(1,501,275)		
Special Revenue Funds	3,862,409	15,043,132	16,662,562	3,304,437
Other Financing Sources, Net		1,061,458		
Highway Fund	301,224	111,228	737,140	364,953
Other Financing Sources, Net		689,641		
Capital Projects Funds	122,223	185,650	18,749	54,206
Other Financing Sources, Net		(234,918)		
Permanent Funds	568,343	10,042	733	577,970
Other Financing Sources (Net)		318		
Proprietary Funds				
Enterprise Funds	(1,550,822)	1,525,173	1,137,283	(1,211,252)
Nonoperating Revenues/(Expenses), Net		(45,638)		
Operating Transfers, Net		(2,682)		
Internal Service Funds	55,890	547,156	527,366	81,386
Nonoperating Revenues/(Expenses), Net		(350)		
Operating Transfers, Net		6,056		
Fiduciary Funds				
Pension and Other Employee Benefit Trust Funds	669,571	109,527	45,805	733,293
Private-Purpose Trust Funds	53,350	198,763	225,607	26,506
Total	$ 7,473,332	$ 31,230,399	$ 31,433,982	$ 7,269,749

Source: Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013.

TABLES

AND

INDEX

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
Noncode				
0-2009-101-21.	Repealed.	151.	03/24/2014	53-2014
0-2013-149-3.	Repealed.	21.	03/27/2014	218-2014
0-2013-191-7.	Repealed.	152.	03/24/2014	53-2014
0-2013-232-29.	Amended.	153.	03/24/2014	53-2014
0-2013-288-75.	Amended.	1.	06/25/2014	115-2014
0-2014-118-39.	Amended.	47.	03/26/2014	166-2014
Title 1				
1-1-5.5-21.	New.	1.	07/01/2014	185-2014
1-1-5.5-22.	New.	1.	07/01/2014	217-2014
Title 2				
2-5-1.1-6.3.	New.	1.	03/25/2014	104-2014
2-5-1.1-10.	Amended.	1.	03/24/2014	53-2014
2-5-1.1-12.2.	Amended.	2.	03/24/2014	53-2014
2-5-1.2-1.	Amended.	3.	03/24/2014	53-2014
2-5-1.2-4.	Amended.	4.	03/24/2014	53-2014
2-5-1.2-8.5.	New.	5.	03/24/2014	53-2014
2-5-1.3.	New.	6.	03/24/2014	53-2014
2-5-1.6.	Repealed.	7.	03/24/2014	53-2014
2-5-2.	Repealed.	8.	03/24/2014	53-2014
2-5-3.	Repealed.	9.	03/24/2014	53-2014
2-5-3.2.	New.	1.	07/01/2014	114-2014
2-5-5.	Repealed.	10.	03/24/2014	53-2014
2-5-12.	Repealed.	11.	03/24/2014	53-2014
2-5-16.	Repealed.	12.	03/24/2014	53-2014
2-5-18.	Repealed.	13.	03/24/2014	53-2014
2-5-19.	Repealed.	14.	03/24/2014	53-2014
2-5-20.	Repealed.	15.	03/24/2014	53-2014
[1] 2-5-20-7.	Amended.	1.	07/01/2014	79-2014
2-5-21-2.	Repealed.	16.	03/24/2014	53-2014
2-5-21-7.	Amended.	17.	03/24/2014	53-2014
2-5-21-8.	Amended.	18.	03/24/2014	53-2014

[1] IC 2-5-1.3-16 (P.L.53-2014, SEC.6) stated the general assembly's intention to repeal IC 2-5-20.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
2-5-21-9.	Amended.	19.	03/24/2014	53-2014
2-5-21-10.	Repealed.	20.	03/24/2014	53-2014
2-5-21-11.	Repealed.	21.	03/24/2014	53-2014
2-5-21-12.	Repealed.	22.	03/24/2014	53-2014
2-5-21-13.	Amended.	23.	03/24/2014	53-2014
2-5-21-14.	Repealed.	24.	03/24/2014	53-2014
2-5-21-15.	Repealed.	25.	03/24/2014	53-2014
2-5-21-16.	Repealed.	26.	03/24/2014	53-2014
2-5-21-17.	Repealed.	27.	03/24/2014	53-2014
2-5-21-18.	Repealed.	28.	03/24/2014	53-2014
2-5-21-19.	Repealed.	29.	03/24/2014	53-2014
2-5-21-20.	Amended.	30.	03/24/2014	53-2014
2-5-21-21.	Amended.	31.	03/24/2014	53-2014
2-5-23.	Repealed.	32.	03/24/2014	53-2014
2-5-25.	Repealed.	33.	03/24/2014	53-2014
2-5-27.2.	Repealed.	34.	03/24/2014	53-2014
2-5-28.5.	Repealed.	35.	03/24/2014	53-2014
[1] 2-5-28.5-1.3.	Repealed.	1.	01/01/2015	221-2014
[1] 2-5-28.5-1.5.	Repealed.	2.	01/01/2015	221-2014
[1] 2-5-28.5-4.	Amended.	1.	03/13/2014	16-2014
[1] 2-5-28.5-4.5.	Repealed.	3.	01/01/2015	221-2014
2-5-29-1.5.	Repealed.	36.	03/24/2014	53-2014
2-5-29-7.5.	Repealed.	37.	03/24/2014	53-2014
2-5-30.	Repealed.	38.	03/24/2014	53-2014
2-5-31.8.	Repealed.	39.	03/24/2014	53-2014
2-5-33.3.	Repealed.	40.	03/24/2014	53-2014
2-5-33.4.	Repealed.	41.	03/24/2014	53-2014
[2] 2-5-33.4-14.	New.	1.	03/26/2014	189-2014
2-5-36-9.	Amended.	1.	07/01/2014	156-2014
2-5-36-12.	New.	42.	03/24/2014	53-2014
2-5-36.1.	Repealed.	43.	03/24/2014	53-2014
2-5-36.2.	Repealed.	44.	03/24/2014	53-2014
2-5-36.5.	Repealed.	45.	03/24/2014	53-2014
2-5-36.8.	Repealed.	46.	03/24/2014	53-2014

[1] IC 2-5-1.3-16 (P.L.53-2014, SEC.6) stated the general assembly's intention to repeal IC 2-5-28.5.

[2] IC 2-5-1.3-16 (P.L.53-2014, SEC.6) stated the general assembly's intention to repeal IC 2-5-33.4.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
2-5-38.1.	Repealed.	47.	03/24/2014	53-2014
2-8.2-4-6.	Amended.	1.	07/01/2014	168-2014

Title 3

3-5-2-16.3.	New.	1.	04/01/2014	76-2014
3-5-2-20.5.	New.	1.	03/24/2014	64-2014
3-5-2-20.7.	New.	2.	03/24/2014	64-2014
3-5-2-22.	Amended.	1.	03/24/2014	77-2014
3-5-2-31.	Amended.	1.	03/13/2014	13-2014
3-5-2-31.7.	New.	2.	04/01/2014	76-2014
3-5-2-33.9.	Amended.	2.	03/13/2014	13-2014
3-5-2-40.5.	Amended.	3.	04/01/2014	76-2014
3-5-2-47.5.	Amended.	3.	03/24/2014	64-2014
3-5-2-49.7.	New.	4.	03/24/2014	64-2014
3-6-4.2-12.	Amended.	5.	07/01/2014	64-2014
3-6-4.5-21.	Amended.	48.	03/24/2014	53-2014
3-6-6-39.	Amended.	4.	07/01/2014	76-2014
3-7-16-29.	Amended.	5.	04/01/2014	76-2014
3-7-18-21.	Amended.	6.	04/01/2014	76-2014
3-7-23.	Repealed.	6.	07/01/2014	64-2014
3-7-24-11.	Amended.	7.	07/01/2014	64-2014
3-7-26.4-6.	Amended.	8.	03/24/2014	64-2014
3-7-26.4-12.	Amended.	9.	03/24/2014	64-2014
3-7-26.7-6.	Amended.	10.	03/24/2014	64-2014
3-7-29-1.	Amended.	11.	07/01/2014	64-2014
3-7-29-4.	Amended.	12.	03/24/2014	64-2014
3-7-29-6.	Amended.	13.	03/24/2014	64-2014
3-7-32-8.	Amended.	14.	03/24/2014	64-2014
3-7-33-5.	Amended.	15.	03/24/2014	64-2014
3-7-34-1.5.	Amended.	16.	03/24/2014	64-2014
3-7-34-4.	Amended.	17.	03/24/2014	64-2014
3-7-34-4.5.	Amended.	18.	03/24/2014	64-2014
3-7-34-5.	Amended.	19.	03/24/2014	64-2014
3-7-34-13.	Amended.	20.	03/24/2014	64-2014
3-7-36-10.	Amended.	7.	04/01/2014	76-2014
3-7-36-14.	Amended.	8.	04/01/2014	76-2014
3-7-38.2-2.	Amended.	21.	03/24/2014	64-2014
3-7-38.2-5.	Amended.	1.	03/13/2014	2-2014

Affected Provisions	Type	SEC.	Effective	P.L.
3-7-38.2-8.	Amended.	22.	03/24/2014	64-2014
3-7-38.2-16.	Amended.	23.	03/24/2014	64-2014
3-7-38.2-17.	Amended.	24.	03/24/2014	64-2014
3-7-39-7.	Amended.	25.	03/24/2014	64-2014
3-7-40-6.	Amended.	26.	07/01/2014	64-2014
3-7-40-8.	New.	9.	04/01/2014	76-2014
3-7-40.5.	New.	27.	03/24/2014	64-2014
3-7-41-2.	Amended.	28.	03/24/2014	64-2014
3-7-42-4.	Amended.	29.	03/24/2014	64-2014
3-7-45-2.1.	Amended.	30.	07/01/2014	64-2014
3-7-45-2.2.	New.	31.	03/24/2014	64-2014
3-7-45-3.	Amended.	32.	03/24/2014	64-2014
3-7-48-2.	Amended.	10.	04/01/2014	76-2014
3-7-48-3.	Amended.	33.	03/24/2014	64-2014
3-7-48-4.	Repealed.	11.	07/01/2014	76-2014
3-7-48-5.	Amended.	34.	03/24/2014	64-2014
3-7-48-7.	Amended.	2.	03/13/2014	2-2014
3-8-1-5.	Amended.	1.	03/26/2014	181-2014
3-8-1-21.	Amended.	2.	03/24/2014	77-2014
3-8-1-23.	Amended.	12.	01/01/2015	76-2014
3-8-1-23.6.	Amended.	13.	01/01/2015	76-2014
3-8-2-2.5.	Amended.	14.	01/01/2015	76-2014
3-8-2-7.	Amended.	15.	01/01/2015	76-2014
3-8-2-12.	Amended.	16.	07/01/2014	76-2014
3-8-2.5-2.	Amended.	17.	04/01/2014	76-2014
3-8-2.5-2.	Amended.	3.	03/13/2014	2-2014
3-8-2.5-2.5.	Amended.	18.	04/01/2014	76-2014
3-8-5-10.5.	Amended.	19.	01/01/2015	76-2014
3-8-6-6.	Amended.	35.	03/24/2014	64-2014
3-8-6-12.	Amended.	20.	01/01/2015	76-2014
3-8-7-6.	Amended.	36.	03/24/2014	64-2014
3-8-7-8.	Amended.	21.	03/24/2014	76-2014
3-8-7-8.	Amended.	22.	01/01/2015	76-2014
3-8-7-10.	Amended.	23.	04/01/2014	76-2014
3-8-9-4.	Amended.	24.	01/01/2014	76-2014
3-8-9-5.	Amended.	25.	04/01/2014	76-2014
3-10-1-7.1.	Amended.	26.	04/01/2014	76-2014
3-10-1-14.1.	Amended.	27.	04/01/2014	76-2014
3-10-1-18.	Amended.	28.	04/01/2014	76-2014
3-10-1-19.	Amended.	3.	03/24/2014	77-2014
3-10-1-24.	Amended.	1.	03/24/2014	55-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
3-10-1-24.	Amended.	29.	04/01/2014	76-2014
3-10-1-31.1.	Amended.	37.	03/24/2014	64-2014
3-10-2-13.	Amended.	4.	03/24/2014	77-2014
3-10-11-5.	Amended.	38.	03/24/2014	64-2014
3-11-1.5-3.4.	New.	39.	03/24/2014	64-2014
3-11-2-12.	Amended.	5.	03/24/2014	77-2014
3-11-3-11.	Amended.	30.	04/01/2014	76-2014
3-11-3-11.	Amended.	4.	03/13/2014	2-2014
3-11-3-16.	Amended.	40.	03/24/2014	64-2014
3-11-3-23.	Amended.	2.	03/24/2014	55-2014
3-11-3-29.4.	Amended.	31.	04/01/2014	76-2014
3-11-4-2.	Amended.	41.	03/24/2014	64-2014
3-11-4-5.1.	Amended.	42.	03/24/2014	64-2014
3-11-4-17.5.	Amended.	43.	03/24/2014	64-2014
3-11-7-15.	Amended.	32.	04/01/2014	76-2014
3-11-7.5-5.	Amended.	33.	04/01/2014	76-2014
3-11-7.5-7.	Amended.	34.	04/01/2014	76-2014
3-11-7.5-19.	Repealed.	35.	04/01/2014	76-2014
3-11-8-7.	Amended.	44.	03/24/2014	64-2014
3-11-8-10.3.	Amended.	5.	03/13/2014	2-2014
3-11-8-10.3.	Amended.	3.	04/01/2014	55-2014
3-11-8-10.3.	Amended.	36.	04/01/2014	76-2014
3-11-8-10.3.	Amended.	45.	04/01/2014	64-2014
3-11-8-11.3.	Repealed.	46.	03/24/2014	64-2014
3-11-8-19.	Amended.	47.	03/24/2014	64-2014
3-11-8-23.	Amended.	48.	03/24/2014	64-2014
3-11-8-25.1.	Amended.	49.	04/01/2014	64-2014
3-11-8-25.1.	Amended.	37.	04/01/2014	76-2014
3-11-8-25.1.	Amended.	4.	03/24/2014	55-2014
3-11-8-26.1.	Amended.	38.	04/01/2014	76-2014
3-11-10-14.	Amended.	50.	03/24/2014	64-2014
3-11-10-16.	Amended.	51.	03/24/2014	64-2014
3-11-10-21.	Amended.	52.	03/24/2014	64-2014
3-11-10-22.	Amended.	53.	03/24/2014	64-2014
3-11-10-26.2.	Amended.	54.	03/24/2014	64-2014
3-11-10-27.	Amended.	3.	03/13/2014	13-2014
3-11-10-27.	Amended.	5.	03/24/2014	55-2014
3-11-10-29.	Amended.	55.	07/01/2014	64-2014
3-11-10-29.2.	New.	56.	03/24/2014	64-2014
3-11-11-5.	Amended.	57.	03/24/2014	64-2014
3-11-11-15.	Repealed.	58.	03/24/2014	64-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
3-11-13-18.	Amended.	4.	03/13/2014	13-2014
3-11-13-19.	Amended.	6.	03/24/2014	55-2014
[1] 3-11-13-28.	Amended.	5.	03/13/2014	13-2014
[1] 3-11-13-28.	Amended.	7.	03/24/2014	55-2014
3-11-13-28.	Repealed.	39.	04/01/2014	76-2014
3-11-13-28.1.	New.	40.	04/01/2014	76-2014
3-11-13-28.2.	New.	41.	04/01/2014	76-2014
3-11-13-28.5.	Amended.	6.	03/13/2014	13-2014
3-11-13-29.	Amended.	8.	03/24/2014	55-2014
3-11-13-31.7.	Amended.	42.	04/01/2014	76-2014
3-11-14-3.5.	Amended.	43.	07/01/2014	76-2014
3-11-18.1-4.	Amended.	44.	04/01/2014	76-2014
3-11-18.1-4.	Amended.	9.	03/24/2014	55-2014
3-11-18.1-4.	Amended.	59.	04/01/2014	64-2014
3-11-18.1-5.	Amended.	60.	03/24/2014	64-2014
3-11-18.1-12.	Amended.	61.	03/24/2014	64-2014
3-11.5-4-1.	Amended.	45.	04/01/2014	76-2014
3-11.5-4-5.	Amended.	62.	03/24/2014	64-2014
3-11.5-4-8.	Amended.	46.	04/01/2014	76-2014
3-11.5-4-9.	Amended.	47.	04/01/2014	76-2014
3-11.5-4-10.	Amended.	63.	03/24/2014	64-2014
3-11.5-4-11.	Amended.	48.	04/01/2014	76-2014
3-11.5-4-15.	Amended.	64.	03/24/2014	64-2014
3-11.5-4-16.	Amended.	49.	04/01/2014	76-2014
3-11.5-4-22.	Amended.	50.	04/01/2014	76-2014
3-11.5-4-24.	Amended.	51.	04/01/2014	76-2014
3-11.5-5-3.	Amended.	52.	04/01/2014	76-2014
3-11.5-6-3.	Amended.	53.	04/01/2014	76-2014
3-11.5-7-1.	Amended.	65.	03/24/2014	64-2014
3-11.7-5-2.7.	New.	66.	03/24/2014	64-2014
3-11.7-6-3.	Amended.	67.	07/01/2014	64-2014
3-12-1-1.	Amended.	68.	07/01/2014	64-2014
3-12-1-2.	Amended.	10.	03/24/2014	55-2014
3-12-1-13.	Amended.	69.	03/24/2014	64-2014
3-12-1-17.	Amended.	54.	07/01/2014	76-2014
3-12-1-17.	Amended.	70.	03/24/2014	64-2014
3-12-3.5-8.	New.	71.	03/24/2014	64-2014
3-12-3.5-8.	Amended.	55.	04/01/2014	76-2014

[1] P.L.76-2014, SEC.39 repealed IC 3-11-13-28 effective 4-1-2014.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
3-12-4-12.	Amended.	56.	04/01/2014	76-2014
3-12-12-1.7.	New.	57.	07/01/2014	76-2014
3-12-12-4.	Amended.	58.	07/01/2014	76-2014
3-12-12-6.	Amended.	59.	07/01/2014	76-2014
3-12-12-13.	Amended.	60.	07/01/2014	76-2014
3-12-12-17.	Amended.	61.	07/01/2014	76-2014
3-13-1-10.5.	Amended.	62.	01/01/2015	76-2014
3-13-1-20.5.	New.	72.	03/24/2014	64-2014
3-13-2-7.	Amended.	63.	01/01/2015	76-2014
3-14-1-17.	Amended.	2.	07/01/2014	168-2014
3-14-2-3.	Amended.	3.	07/01/2014	168-2014
3-14-2-11.	Amended.	4.	07/01/2014	168-2014
3-14-2-29.	Amended.	5.	07/01/2014	168-2014

Title 4

4-1-7.1-6.	New.	1.	03/25/2014	113-2014
4-2-7-3.	Amended.	1.	03/24/2014	72-2014
4-2-7-4.	Amended.	1.	07/01/2014	57-2014
4-2-7-7.	Amended.	2.	07/01/2014	57-2014
4-2-7-9.	New.	2.	03/24/2014	72-2014
4-3-3-2.	Amended.	1.	03/26/2014	177-2014
4-3-22-13.	Amended.	49.	03/24/2014	53-2014
4-3-22-13.1.	Amended.	50.	03/24/2014	53-2014
4-3-22-16.	Amended.	1.	05/01/2014	187-2014
4-4-3.2.	Repealed.	2.	07/01/2014	187-2014
4-4-3.3.	Repealed.	3.	07/01/2014	187-2014
4-4-3.8.	Repealed.	4.	07/01/2014	187-2014
4-4-11-46.	New.	2.	03/13/2014	16-2014
4-4-11-46.	Amended.	51.	04/15/2014	53-2014
4-4-15.	Repealed.	5.	07/01/2014	187-2014
4-4-27.	Repealed.	6.	07/01/2014	187-2014
4-4-35.	New.	7.	05/01/2014	187-2014
4-4-36.	New.	8.	05/01/2014	187-2014
4-5-10-1.	Amended.	1.	07/01/2014	146-2014
4-6-2-12.	New.	1.	07/01/2014	162-2014
4-6-3-6.	Amended.	1.	07/01/2014	65-2014
4-6-3-6.5.	New.	2.	07/01/2014	65-2014
4-6-3-9.	Amended.	3.	07/01/2014	65-2014
4-6-12-2.	Amended.	1.	07/01/2015	66-2014
4-6-12-3.	Amended.	2.	07/01/2015	66-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
4-6-12-3.6.	New.	3.	07/01/2014	66-2014
4-6-12-4.	Amended.	4.	07/01/2014	66-2014
4-6-14-2.	Amended.	1.	07/01/2014	3-2014
4-6-14-4.	Amended.	2.	07/01/2014	3-2014
4-9.1-1-7.	Amended.	1.	07/01/2014	84-2014
4-10-10.	Repealed.	2.	07/01/2014	113-2014
4-10-13-6.	Amended.	52.	03/24/2014	53-2014
4-10-13-7.	Amended.	53.	03/24/2014	53-2014
4-10-18-12.	Amended.	3.	07/01/2014	113-2014
4-10-22-3.	Amended.	1.	07/01/2014	91-2014
4-10-23-5.	Amended.	1.	05/15/2013	190-2014
4-10-23-6.	Amended.	2.	05/15/2013	190-2014
4-10-23-7.	Amended.	3.	05/15/2013	190-2014
4-10-23-8.	Amended.	4.	05/15/2013	190-2014
4-10-23-10.	Amended.	5.	05/15/2013	190-2014
4-10-23-11.	Amended.	6.	05/15/2013	190-2014
4-10-23-12.	Amended.	7.	05/15/2013	190-2014
4-13-1.2-5.	Amended.	1.	07/01/2014	69-2014
4-13-2-14.7.	Amended.	6.	07/01/2014	168-2014
4-13.6-3-3.	Amended.	1.	07/01/2014	218-2014
4-20.5-6-9.4.	Repealed.	4.	07/01/2014	113-2014
4-20.5-7-2.5.	Repealed.	5.	07/01/2014	113-2014
4-21.5-3-4.	Amended.	3.	07/01/2014	3-2014
4-21.5-3-8.5.	New.	3.	07/01/2014	72-2014
4-21.5-3-9.	Amended.	4.	07/01/2014	72-2014
4-21.5-3-24.	Amended.	5.	07/01/2014	72-2014
4-21.5-5-3.	Amended.	6.	07/01/2014	72-2014
4-22-2-0.1.	Amended.	54.	03/24/2014	53-2014
4-22-2-3.2.	Repealed.	55.	03/24/2014	53-2014
4-22-2-19.	Amended.	56.	03/24/2014	53-2014
4-22-2-20.	Amended.	57.	03/24/2014	53-2014
4-22-2-22.5.	Amended.	7.	07/01/2014	72-2014
4-22-2-25.	Amended.	58.	03/24/2014	53-2014
4-22-2-28.	Amended.	59.	05/01/2014	53-2014
4-22-2-28.	Amended.	9.	05/01/2014	187-2014
4-22-2-28.1.	Amended.	10.	05/01/2014	187-2014
4-22-2-40.	Amended.	60.	03/24/2014	53-2014
4-22-2-46.	Repealed.	61.	03/24/2014	53-2014
4-22-2.1-5.	Amended.	11.	05/01/2014	187-2014
4-22-2.1-8.	Amended.	62.	03/24/2014	53-2014
4-22-7-7.	Amended.	63.	03/24/2014	53-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
4-23-7.1-26.	Amended.	2.	07/01/2014	91-2014
4-23-7.1-42.	Amended.	3.	07/01/2014	91-2014
4-23-9-1.	Amended.	4.	07/01/2014	91-2014
4-23-9-2.	Amended.	5.	07/01/2014	91-2014
4-23-9-3.	Amended.	6.	07/01/2014	91-2014
4-23-10-1.	Repealed.	7.	07/01/2014	91-2014
4-30-5-6.	New.	1.	07/01/2014	198-2014
4-30-11-2.	Amended.	2.	07/01/2014	198-2014
4-30-11-2.5.	New.	3.	07/01/2014	198-2014
4-30-11-10.	Amended.	4.	07/01/2014	198-2014
4-30-11-11.	Amended.	5.	07/01/2014	198-2014
4-32.2-1-1.	Amended.	1.	03/25/2014	135-2014
4-33-6-18.	Amended.	6.	03/13/2014	2-2014
4-33-12-6.	Amended.	7.	03/13/2014	2-2014
4-33-13-5.	Amended.	8.	03/13/2014	2-2014

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5-1-5-2.5.	Amended.	1.	03/25/2014	120-2014
5-1-17.5-16.	Amended.	9.	03/13/2014	2-2014
5-1-17.5-18.	Amended.	10.	03/13/2014	2-2014
5-1-17.5-30.5.	New.	8.	05/15/2013	190-2014
5-1-17.5-37.	Amended.	9.	05/15/2013	190-2014
5-1.5-8-1.	Amended.	1.	07/01/2014	140-2014
5-2-1-9.	Amended.	1.	07/01/2014	164-2014
5-2-6-3.	Amended.	7.	07/01/2014	168-2014
5-2-6-3.	Amended.	1.	07/01/2014	180-2014
5-2-6-19.	Amended.	2.	07/01/2014	180-2014
5-2-6-24.	New.	8.	07/01/2014	168-2014
5-2-6.1-12.	Amended.	6.	07/01/2014	113-2014
5-2-6.1-21.1.	Amended.	7.	07/01/2014	113-2014
5-2-6.1-22.	Amended.	8.	07/01/2014	113-2014
5-2-6.1-23.	Amended.	9.	07/01/2014	113-2014
5-2-6.1-26.	Amended.	10.	07/01/2014	113-2014
5-2-6.1-32.	Amended.	11.	07/01/2014	113-2014
5-2-6.1-34.	Amended.	12.	07/01/2014	113-2014
5-2-6.7-10.	Amended.	1.	07/01/2014	150-2014
5-2-8-1.	Amended.	2.	07/01/2014	164-2014
5-2-10.1-6.	Amended.	1.	07/01/2014	40-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
5-2-10.1-7.	Amended.	2.	07/01/2014	40-2014
5-2-10.1-10.	Amended.	11.	03/13/2014	2-2014
5-2-10.1-10.	Amended.	3.	07/01/2014	40-2014
5-2-10.1-12.	Amended.	4.	07/01/2014	40-2014
5-2-10.1-12.	Amended.	12.	03/13/2014	2-2014
5-3-1-2.	Amended.	1.	07/01/2014	183-2014
5-3-1-2.3.	Amended.	2.	07/01/2014	183-2014
5-9-4-7.	Amended.	13.	03/13/2014	2-2014
5-9-4-8.	Amended.	14.	03/13/2014	2-2014
5-10-1.1-3.5.	Amended.	2.	07/01/2014	177-2014
5-10-8-0.5.	Repealed.	8.	07/01/2014	91-2014
5-10-8-2.2.	Amended.	9.	07/01/2014	91-2014
5-10-8-2.6.	Amended.	10.	07/01/2014	91-2014
5-10-8-6.6.	Amended.	11.	07/01/2014	91-2014
5-10-8-7.	Amended.	12.	07/01/2014	91-2014
5-10-8-8.	Amended.	13.	07/01/2014	91-2014
5-10-8-8.3.	Amended.	14.	07/01/2014	91-2014
5-10-17.	New.	1.	07/01/2014	20-2014
5-10.2-4-2.	Amended.	1.	07/01/2014	22-2014
5-10.2-4-4.	Amended.	3.	03/26/2014	177-2014
5-10.2-4-8.	Amended.	15.	03/13/2014	2-2014
5-10.3-8-14.	Amended.	15.	06/30/2014	91-2014
5-10.3-12-23.	Amended.	1.	07/01/2014	5-2014
5-10.5-4-1.	Amended.	64.	03/24/2014	53-2014
5-10.5-4-2.5.	New.	4.	03/26/2014	177-2014
5-10.5-4-2.6.	New.	5.	03/26/2014	177-2014
5-11-1-1.	Amended.	2.	03/25/2014	104-2014
5-11-1-16.	Amended.	3.	03/25/2014	104-2014
5-11-5-1.	Amended.	4.	03/25/2014	104-2014
5-11-5.5-2.	Amended.	1.	07/01/2014	109-2014
5-11-5.7-1.	Amended.	2.	07/01/2014	109-2014
5-11-5.7-2.	Amended.	3.	07/01/2014	109-2014
5-11-5.7-3.	Amended.	4.	07/01/2014	109-2014
5-11-5.7-4.	Amended.	5.	07/01/2014	109-2014
5-11-5.7-5.	Amended.	6.	07/01/2014	109-2014
5-11-5.7-6.	Amended.	7.	07/01/2014	109-2014
5-11-5.7-7.	Amended.	8.	07/01/2014	109-2014
5-11-5.7-8.	Amended.	9.	07/01/2014	109-2014
5-11-5.7-9.	Amended.	10.	07/01/2014	109-2014
5-11-5.7-10.	Amended.	11.	07/01/2014	109-2014
5-11-5.7-14.	Amended.	12.	07/01/2014	109-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
5-11-5.7-16.	Amended.	13.	07/01/2014	109-2014
5-11-5.7-18.	Amended.	14.	07/01/2014	109-2014
5-13-6-3.	Amended.	1.	07/01/2014	166-2014
5-13-9-1.	Amended.	1.	07/01/2014	102-2014
5-13-9-2.	Amended.	2.	07/01/2014	102-2014
5-13-10.5-10.	Amended.	3.	07/01/2014	102-2014
5-13-10.5-13.	Amended.	4.	07/01/2014	102-2014
5-13-11-2.	Amended.	5.	07/01/2014	102-2014
5-14-3-4.	Amended.	9.	07/01/2014	168-2014
5-14-3-4.	Amended.	1.	03/24/2014	56-2014
5-14-3.7-2.5.	New.	2.	03/25/2014	84-2014
5-14-3.7-3.	Amended.	3.	03/25/2014	84-2014
5-14-3.7-16.	New.	4.	03/25/2014	84-2014
5-14-3.8-3.	Amended.	5.	03/25/2014	84-2014
5-14-3.8-8.	New.	6.	03/25/2014	84-2014
5-14-6-2.	Amended.	65.	03/24/2014	53-2014
5-14-6-3.	Amended.	66.	03/24/2014	53-2014
5-14-6-4.	Amended.	67.	03/24/2014	53-2014
5-15-6-1.	Amended.	1.	07/01/2014	78-2014
5-16-1-1.6.	Amended.	1.	07/01/2014	143-2014
5-16-1-1.7.	Amended.	2.	07/01/2014	143-2014
5-16-1-1.9.	Amended.	3.	07/01/2014	143-2014
5-16-1-8.	Amended.	4.	07/01/2014	143-2014
5-16-2-1.4.	Amended.	5.	07/01/2014	143-2014
5-16-9-1.	Amended.	1.	01/01/2015	216-2014
5-16-9-5.	Amended.	2.	01/01/2015	216-2014
5-16-9-8.	Amended.	3.	01/01/2015	216-2014
5-16-9-9.	Amended.	4.	01/01/2015	216-2014
5-22-5-8.	Amended.	10.	01/01/2015	190-2014
5-22-14-11.	Amended.	68.	03/24/2014	53-2014
5-22-14-11.	Amended.	16.	03/13/2014	2-2014
5-26-4-1.	Amended.	5.	01/01/2015	216-2014
5-28-5-6.5.	Amended.	12.	05/01/2014	187-2014
5-28-6-1.	Amended.	69.	03/24/2014	53-2014
5-28-6-3.	Repealed.	11.	01/01/2015	190-2014
5-28-6-8.	New.	1.	03/25/2014	116-2014
5-28-7-1.	Amended.	1.	07/01/2014	167-2014
5-28-7-2.	Amended.	2.	07/01/2014	167-2014
5-28-7-4.	Amended.	3.	07/01/2014	167-2014
5-28-7-6.	New.	4.	07/01/2014	167-2014
5-28-11-10.	Amended.	70.	03/24/2014	53-2014

Affected Provisions	Type	SEC.	Effective	P.L.
5-28-17-1.	Amended.	13.	05/01/2014	187-2014
5-28-17-5.	Repealed.	14.	05/01/2014	187-2014
5-28-28-4.	Amended.	12.	01/01/2015	190-2014
5-28-28-6.	Amended.	17.	03/13/2014	2-2014
5-28-35.	Repealed.	15.	05/01/2014	187-2014
5-29-3-1.5.	New.	1.	07/01/2014	117-2014
5-29-3-4.	Amended.	2.	07/01/2014	117-2014
5-29-3-9.	New.	3.	07/01/2014	117-2014
5-32	New.	1.	07/01/2014	128-2014
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6-1.1-1-2.	Amended.	1.	07/01/2014	111-2014
6-1.1-1-7.	Amended.	2.	07/01/2014	111-2014
6-1.1-2-1.5.	New.	3.	07/01/2014	111-2014
6-1.1-2-2.	Amended.	4.	07/01/2014	111-2014
6-1.1-3-1.5.	New.	5.	07/01/2014	111-2014
6-1.1-3-7.2.	New.	1.	07/01/2015	80-2014
6-1.1-3-7.5.	Amended.	6.	07/01/2014	111-2014
6-1.1-3-17.	Amended.	7.	07/01/2014	111-2014
6-1.1-4-4.2.	Amended.	8.	07/01/2014	111-2014
6-1.1-4-4.3.	Repealed.	1.	03/25/2014	97-2014
6-1.1-4-4.6.	Amended.	9.	07/01/2014	111-2014
6-1.1-4-5.	Amended.	10.	07/01/2014	111-2014
6-1.1-4-9.	Amended.	11.	07/01/2014	111-2014
6-1.1-4-13.	Amended.	1.	01/01/2014	85-2014
6-1.1-4-21.4.	Amended.	12.	07/01/2014	111-2014
6-1.1-4-22.	Amended.	13.	07/01/2014	111-2014
6-1.1-4-25.	Amended.	14.	07/01/2014	111-2014
6-1.1-4-39.	Amended.	15.	07/01/2014	111-2014
6-1.1-5-14.	Amended.	16.	07/01/2014	111-2014
6-1.1-5.5-3.	Amended.	17.	07/01/2014	111-2014
6-1.1-6-0.5.	New.	1.	07/01/2014	219-2014
6-1.1-6-9.	Amended.	2.	07/01/2014	219-2014
6-1.1-8-3.	Amended.	18.	03/13/2014	2-2014
6-1.1-8-19.	Amended.	3.	07/01/2014	183-2014
6-1.1-8-20.	Amended.	4.	07/01/2014	183-2014
6-1.1-8-22.	Amended.	5.	07/01/2014	183-2014
6-1.1-8-27.	Amended.	18.	07/01/2014	111-2014
6-1.1-10-16.	Amended.	1.	01/01/2015	151-2014
6-1.1-10-25.	Amended.	2.	07/01/2014	79-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-10-36.3.	Amended.	2.	01/01/2015	151-2014
6-1.1-10-46.	New.	3.	01/01/2015	151-2014
6-1.1-10.3.	New.	2.	07/01/2015	80-2014
6-1.1-11-1.5.	New.	19.	07/01/2014	111-2014
6-1.1-11-3.	Amended.	20.	07/01/2014	111-2014
6-1.1-11-3.5.	Amended.	21.	07/01/2014	111-2014
6-1.1-11-4.	Amended.	6.	07/01/2014	183-2014
6-1.1-11-5.	Amended.	22.	07/01/2014	111-2014
6-1.1-11-8.	Amended.	23.	07/01/2014	111-2014
6-1.1-11-11.	New.	24.	07/01/2014	111-2014
6-1.1-12-10.1.	Amended.	7.	03/26/2014	183-2014
6-1.1-12-12.	Amended.	8.	03/26/2014	183-2014
6-1.1-12-15.	Amended.	9.	03/26/2014	183-2014
6-1.1-12-17.	Amended.	10.	03/26/2014	183-2014
6-1.1-12-17.5.	Amended.	11.	03/26/2014	183-2014
6-1.1-12-26.2.	New.	4.	07/01/2014	117-2014
6-1.1-12-27.1.	Amended.	12.	03/26/2014	183-2014
6-1.1-12-30.	Amended.	13.	03/26/2014	183-2014
6-1.1-12-35.5.	Amended.	14.	03/26/2014	183-2014
6-1.1-12-37.	Amended.	2.	07/01/2014	166-2014
6-1.1-12-37.	Amended.	19.	03/13/2014	2-2014
6-1.1-12-38.	Amended.	15.	03/26/2014	183-2014
6-1.1-12-45.	Amended.	16.	03/26/2014	183-2014
6-1.1-12.1-4.5.	Amended.	3.	07/01/2015	80-2014
6-1.1-12.1-11.	Repealed.	71.	03/24/2014	53-2014
6-1.1-12.1-12.5.	New.	4.	07/01/2014	80-2014
6-1.1-12.1-17.	Amended.	5.	07/01/2015	80-2014
6-1.1-12.1-18.	New.	6.	07/01/2015	80-2014
6-1.1-12.6-3.	Amended.	17.	03/26/2014	183-2014
6-1.1-12.8-4.	Amended.	18.	03/26/2014	183-2014
6-1.1-15-4.	Amended.	16.	07/01/2014	91-2014
6-1.1-15-12.	Amended.	19.	03/26/2014	183-2014
6-1.1-15-17.2.	Amended.	2.	03/25/2014	97-2014
6-1.1-16-1.	Amended.	25.	07/01/2014	111-2014
6-1.1-17-3.	Amended.	20.	07/01/2014	183-2014
6-1.1-17-3.7.	Amended.	72.	03/24/2014	53-2014
6-1.1-17-5.6.	Amended.	26.	03/25/2014	111-2014
6-1.1-17-16.	Amended.	21.	07/01/2014	183-2014
6-1.1-17-22.	New.	2.	03/25/2014	120-2014
6-1.1-18-12.	Amended.	20.	03/13/2014	2-2014
6-1.1-18-22.	New.	22.	03/26/2014	183-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-18.5-3.	Amended.	1.	07/01/2014	153-2014
6-1.1-18.5-8.	Amended.	23.	07/01/2014	183-2014
6-1.1-18.5-8.1.	Amended.	21.	03/13/2014	2-2014
6-1.1-18.5-13.7.	Amended.	3.	07/01/2014	166-2014
6-1.1-20-1.1.	Amended.	5.	07/01/2014	40-2014
6-1.1-20.3-7.5.	Amended.	22.	03/13/2014	2-2014
6-1.1-20.3-8.5.	Amended.	23.	03/13/2014	2-2014
6-1.1-20.3-10.	Amended.	24.	03/13/2014	2-2014
6-1.1-20.3-13.	Amended.	25.	03/13/2014	2-2014
6-1.1-20.3-14.	New.	7.	03/25/2014	84-2014
6-1.1-20.3-15.	New.	8.	03/25/2014	84-2014
6-1.1-20.6-4.	Amended.	4.	01/01/2014	166-2014
6-1.1-20.6-9.9.	New.	3.	03/25/2014	120-2014
6-1.1-21.4-2.	Amended.	5.	03/26/2014	166-2014
6-1.1-21.4-3.	Amended.	6.	03/26/2014	166-2014
6-1.1-22-8.1.	Amended.	1.	07/01/2014	134-2014
6-1.1-22.6-26.7.	New.	2.	03/25/2014	134-2014
6-1.1-24-1.	Amended.	5.	07/01/2014	66-2014
6-1.1-24-1.	Amended.	7.	07/01/2014	166-2014
6-1.1-24-1.2.	Amended.	8.	07/01/2014	166-2014
6-1.1-24-1.5.	Amended.	6.	07/01/2014	66-2014
6-1.1-24-2.	Amended.	7.	07/01/2014	66-2014
6-1.1-24-2.3.	New.	8.	07/01/2014	66-2014
6-1.1-24-5.1.	New.	9.	07/01/2015	66-2014
6-1.1-24-5.4.	New.	10.	07/01/2015	66-2014
6-1.1-24-16.	New.	11.	07/01/2014	66-2014
6-1.1-25-2.	Amended.	12.	07/01/2014	66-2014
6-1.1-25-2.	Amended.	1.	07/01/2014	94-2014
6-1.1-25-4.	Amended.	13.	07/01/2014	66-2014
6-1.1-25-4.	Amended.	2.	07/01/2014	94-2014
6-1.1-25-4.1.	Amended.	26.	03/13/2014	2-2014
6-1.1-25-4.5.	Amended.	14.	07/01/2014	66-2014
6-1.1-25-4.6.	Amended.	15.	07/01/2014	66-2014
6-1.1-25-10.	Amended.	16.	07/01/2014	66-2014
6-1.1-25-11.	Amended.	17.	07/01/2014	66-2014
6-1.1-25-20.	New.	18.	07/01/2014	66-2014
6-1.1-28-1.	Amended.	3.	07/01/2014	134-2014
6-1.1-28-1.	Amended.	1.	07/01/2014	112-2014
6-1.1-35.7.	New.	4.	07/01/2014	134-2014
6-1.1-35.7.	New.	2.	07/01/2014	112-2014
6-1.1-36-17.	Amended.	3.	07/01/2014	94-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
6-1.1-37-7.	Amended.	7.	07/01/2014	80-2014
6-2.5-2-2.	Amended.	1.	07/01/2014	87-2014
6-2.5-2-3.	New.	9.	07/01/2014	166-2014
6-2.5-3.5-2.	Repealed.	27.	03/13/2014	2-2014
6-2.5-3.5-7.	Repealed.	28.	07/01/2014	2-2014
6-2.5-5-19.5.	Amended.	2.	07/01/2014	87-2014
6-2.5-5-27.	Amended.	1.	01/01/2014	226-2014(ts)
6-2.5-5-46.	Amended.	10.	07/01/2014	166-2014
6-2.5-5-49.5.	New.	8.	03/25/2014	80-2014
6-2.5-7-5.	Amended.	29.	07/01/2014	2-2014
6-3-2-1.	Amended.	9.	07/01/2014	80-2014
6-3-2-2.1.	New.	13.	01/01/2014	190-2014
6-3-2-2.8.	Amended.	1.	01/01/2013	129-2014
6-3-2-24.	New.	3.	01/01/2014	87-2014
6-3-3-13.	New.	1.	01/01/2015	132-2014
6-3.1-1-4.	New.	14.	07/01/2014	190-2014
6-3.1-1-5.	New.	15.	07/01/2014	190-2014
6-3.1-6.	Repealed.	16.	01/01/2015	190-2014
6-3.1-9-1.	Amended.	11.	07/01/2014	166-2014
6-3.1-9-2.	Amended.	12.	07/01/2014	166-2014
6-3.1-11-24.	New.	13.	01/01/2014	166-2014
6-3.1-13-13.	Amended.	5.	07/01/2014	167-2014
6-3.1-13-14.	Amended.	6.	07/01/2014	167-2014
6-3.1-13-15.7.	New.	7.	07/01/2014	167-2014
6-3.1-13-19.7.	New.	8.	07/01/2014	167-2014
6-3.1-16-1.	Repealed.	14.	01/01/2015	166-2014
6-3.1-16-2.	Amended.	15.	01/01/2015	166-2014
6-3.1-16-7.	Amended.	16.	01/01/2015	166-2014
6-3.1-16-8.	Amended.	17.	01/01/2015	166-2014
6-3.1-16-9.	Amended.	18.	01/01/2015	166-2014
6-3.1-16-10.	Amended.	19.	01/01/2015	166-2014
6-3.1-16-12.	Amended.	20.	01/01/2015	166-2014
6-3.1-16-15.	Amended.	21.	01/01/2015	166-2014
6-3.1-17.	Repealed.	17.	01/01/2015	190-2014
6-3.1-20-1.	Amended.	22.	01/01/2015	166-2014
6-3.1-20-4.	Amended.	23.	01/01/2015	166-2014
6-3.1-20-5.	Amended.	24.	01/01/2015	166-2014
6-3.1-20-7.	Amended.	25.	01/01/2015	166-2014
6-3.1-22-1.	Repealed.	26.	01/01/2015	166-2014
6-3.1-22-2.	Amended.	27.	01/01/2015	166-2014
6-3.1-22-8.	Amended.	28.	01/01/2015	166-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
6-3.1-22-9.	Amended.	29.	01/01/2015	166-2014
6-3.1-22-10.	Amended.	30.	01/01/2015	166-2014
6-3.1-22-11.	Amended.	31.	01/01/2015	166-2014
6-3.1-22-13.	Amended.	32.	01/01/2015	166-2014
6-3.1-23.	Repealed.	18.	01/01/2015	190-2014
6-3.1-24-14.	New.	1.	07/01/2014	106-2014
6-3.1-27.	Repealed.	19.	01/01/2015	190-2014
6-3.1-28.	Repealed.	20.	01/01/2015	190-2014
6-3.1-30.5-7.	Amended.	1.	07/01/2014	202-2014
6-3.1-31.5.	Repealed.	21.	07/01/2014	190-2014
6-3.1-33.	Repealed.	22.	01/01/2015	190-2014
6-3.1-34.6-6.	Amended.	1.	01/01/2014	212-2014
6-3.1-34.6-10.	Amended.	2.	01/01/2014	212-2014
6-3.1-34.6-12.	Amended.	3.	01/01/2014	212-2014
6-3.5-1.1-9.	Amended.	2.	07/01/2014	153-2014
6-3.5-1.1-23.	Amended.	3.	07/01/2014	153-2014
6-3.5-1.1-24.	Amended.	4.	07/01/2014	153-2014
6-3.5-1.1-29.	New.	5.	07/01/2014	153-2014
6-3.5-1.5-1.	Amended.	6.	07/01/2014	153-2014
6-3.5-4-2.	Amended.	4.	01/01/2015	221-2014
6-3.5-6-17.	Amended.	7.	07/01/2014	153-2014
6-3.5-6-18.	Amended.	8.	07/01/2014	153-2014
6-3.5-6-26.	Amended.	9.	07/01/2014	153-2014
6-3.5-6-30.	Amended.	10.	07/01/2014	153-2014
6-3.5-6-34.	New.	11.	07/01/2014	153-2014
6-3.5-7-5.	Amended.	12.	07/01/2014	153-2014
6-3.5-7-5.5.	New.	13.	07/01/2014	153-2014
6-3.5-7-8.1.	New.	23.	07/01/2014	190-2014
6-3.5-7-26.	Amended.	14.	07/01/2014	153-2014
6-3.5-7-29.	New.	15.	07/01/2014	153-2014
6-5.5-2-1.	Amended.	10.	07/01/2014	80-2014
6-5.5-2-7.	Amended.	2.	01/01/2013	129-2014
6-6-2.5-1.	Amended.	4.	01/01/2014	212-2014
6-6-2.5-16.5.	New.	5.	01/01/2014	212-2014
6-6-2.5-22.	Amended.	6.	01/01/2014	212-2014
6-6-2.5-28.	Amended.	24.	07/01/2014	190-2014
6-6-4.1-2.	Amended.	1.	07/01/2014	215-2014
6-6-5-5.6.	New.	5.	01/01/2015	221-2014
6-6-5.5-7.	Amended.	6.	01/01/2015	216-2014
6-6-6.6.	Repealed.	1.	07/01/2014	220-2014
6-6-11-9.	Amended.	3.	07/01/2014	219-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
6-6-11-14.	Amended.	4.	07/01/2014	219-2014
6-6-11-29.	Amended.	7.	01/01/2015	216-2014
6-6-12-5.	Amended.	7.	01/01/2014	212-2014
6-6-12-6.	Amended.	8.	01/01/2014	212-2014
6-6-13-13.	Amended.	10.	07/01/2014	168-2014
6-6-14.	New.	9.	01/01/2014	212-2014
6-7-1-37.	New.	33.	07/01/2014	166-2014
6-7-2-12.	Amended.	34.	07/01/2014	166-2014
6-8.1-1-1.	Amended.	2.	07/01/2014	220-2014
6-8.1-1-1.	Amended.	30.	01/01/2014	2-2014
6-8.1-3-19.	Repealed.	73.	07/01/2014	64-2014
6-8.1-3-23.	New.	2.	07/01/2014	146-2014
6-8.1-4-1.6.	Amended.	3.	07/01/2014	220-2014
6-8.1-4-4.	Amended.	25.	07/01/2014	190-2014
6-8.1-6-1.	Amended.	26.	01/01/2015	190-2014
6-8.1-7-1.	Amended.	31.	03/13/2014	2-2014
6-8.1-10-1.	Amended.	13.	07/01/2014	113-2014
6-9-2-4.	Amended.	27.	07/01/2014	190-2014
6-9-2.5-7.5.	Amended.	28.	07/01/2014	190-2014
6-9-2.5-7.7.	Amended.	29.	07/01/2014	190-2014
6-9-17-5.	Amended.	35.	07/01/2014	166-2014

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7.1-1-2-2.	Amended.	1.	07/01/2014	159-2014
7.1-1-3-26.3.	Amended.	6.	01/01/2015	221-2014
7.1-2-3-27.	Repealed.	2.	07/01/2014	159-2014
7.1-3-13-2.5.	Amended.	1.	07/01/2014	70-2014
7.1-3-21-14.	Amended.	1.	07/01/2014	28-2014
7.1-3-23-18.	Repealed.	3.	07/01/2014	159-2014
7.1-3-26-5.	Amended.	4.	07/01/2014	159-2014
7.1-3-26-6.	Amended.	5.	07/01/2014	159-2014
7.1-3-26-10.	Amended.	6.	07/01/2014	159-2014
7.1-3-26-15.	Repealed.	7.	07/01/2014	159-2014
7.1-3-26-16.	Repealed.	8.	07/01/2014	159-2014
7.1-3-27-3.	Amended.	9.	07/01/2014	159-2014
7.1-3-27-6.	Amended.	2.	07/01/2014	70-2014
7.1-3-27-8.	Amended.	10.	07/01/2014	159-2014
7.1-3-27-9.	Amended.	11.	07/01/2014	159-2014
7.1-3-27-10.	Amended.	12.	07/01/2014	159-2014
7.1-3-27-11.	Amended.	13.	07/01/2014	159-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
7.1-3-27-12.	Amended.	14.	07/01/2014	159-2014
7.1-3-27-13.	Amended.	15.	07/01/2014	159-2014
7.1-3-27-14.	Amended.	16.	07/01/2014	159-2014
7.1-3-27-15.	Amended.	17.	07/01/2014	159-2014
7.1-4-6-3.5.	Amended.	36.	07/01/2014	166-2014
7.1-5-1-1.	Amended.	18.	07/01/2014	159-2014
7.1-5-1-6.5.	Amended.	2.	03/26/2014	156-2014
7.1-5-1-6.6.	New.	3.	03/26/2014	156-2014
7.1-5-1-8.	Repealed.	19.	07/01/2014	159-2014
7.1-5-1-9.	Repealed.	20.	07/01/2014	159-2014
7.1-5-1-9.5.	Repealed.	21.	07/01/2014	159-2014
7.1-5-2-2.	Repealed.	22.	07/01/2014	159-2014
7.1-5-2-3.	Amended.	23.	07/01/2014	159-2014
7.1-5-2-4.	Amended.	24.	07/01/2014	159-2014
7.1-5-2-6.	Repealed.	25.	07/01/2014	159-2014
7.1-5-2-7.	Amended.	26.	07/01/2014	159-2014
7.1-5-3-1.	Amended.	27.	07/01/2014	159-2014
7.1-5-3-2.	Amended.	28.	07/01/2014	159-2014
7.1-5-3-4.	Amended.	29.	07/01/2014	159-2014
7.1-5-4-1.	Amended.	30.	07/01/2014	159-2014
7.1-5-4-3.	Amended.	31.	07/01/2014	159-2014
7.1-5-4-5.	Amended.	32.	07/01/2014	159-2014
7.1-5-4-6.	Amended.	33.	07/01/2014	159-2014
7.1-5-5-1.	Repealed.	34.	07/01/2014	159-2014
7.1-5-5-2.	Amended.	35.	07/01/2014	159-2014
7.1-5-5-3.	Amended.	36.	07/01/2014	159-2014
7.1-5-5-7.	Amended.	37.	07/01/2014	159-2014
7.1-5-5-9.	Amended.	38.	07/01/2014	159-2014
7.1-5-5-10.	Amended.	39.	07/01/2014	159-2014
7.1-5-5-11.	Amended.	40.	07/01/2014	159-2014
7.1-5-5-12.	Amended.	41.	07/01/2014	159-2014
7.1-5-6-1.	Amended.	42.	07/01/2014	159-2014
7.1-5-6-2.	Amended.	43.	07/01/2014	159-2014
7.1-5-6-3.	Amended.	44.	07/01/2014	159-2014
7.1-5-6-4.	Amended.	45.	07/01/2014	159-2014
7.1-5-7-0.3.	Repealed.	46.	07/01/2014	159-2014
7.1-5-7-1.	Amended.	47.	07/01/2014	159-2014
7.1-5-7-1.	Amended.	14.	07/01/2014	113-2014
7.1-5-7-1.	Amended.	2.	07/01/2014	217-2014
7.1-5-7-2.	Amended.	48.	07/01/2014	159-2014
7.1-5-7-7.	Amended.	49.	07/01/2014	159-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
7.1-5-7-7.	Amended.	3.	07/01/2014	217-2014
7.1-5-7-8.	Amended.	50.	07/01/2014	159-2014
7.1-5-7-10.	Amended.	51.	07/01/2014	159-2014
7.1-5-7-10.	Amended.	4.	07/01/2014	217-2014
7.1-5-7-12.	Amended.	52.	07/01/2014	159-2014
7.1-5-7-14.	Amended.	53.	07/01/2014	159-2014
7.1-5-8-4.	Amended.	54.	07/01/2014	159-2014
7.1-5-8-9.	Amended.	55.	07/01/2014	159-2014
7.1-5-9-1.	Amended.	56.	07/01/2014	159-2014
7.1-5-9-2.	Amended.	57.	07/01/2014	159-2014
7.1-5-9-3.	Amended.	58.	07/01/2014	159-2014
7.1-5-9-4.	Amended.	59.	07/01/2014	159-2014
7.1-5-9-6.	Amended.	60.	07/01/2014	159-2014
7.1-5-9-7.	Amended.	61.	07/01/2014	159-2014
7.1-5-9-7.	Amended.	32.	03/13/2014	2-2014
7.1-5-9-8.	Amended.	62.	07/01/2014	159-2014
7.1-5-9-9.	Amended.	63.	07/01/2014	159-2014
7.1-5-9-10.	Amended.	64.	07/01/2014	159-2014
7.1-5-9-10.	Amended.	3.	07/01/2014	70-2014
7.1-5-9-13.	Amended.	65.	07/01/2014	159-2014
7.1-5-9-14.	Amended.	66.	07/01/2014	159-2014
7.1-5-9-15.	Amended.	67.	07/01/2014	159-2014
7.1-5-10-1.	Amended.	68.	07/01/2014	159-2014
7.1-5-10-2.	Amended.	69.	07/01/2014	159-2014
7.1-5-10-3.	Amended.	70.	07/01/2014	159-2014
7.1-5-10-4.	Amended.	71.	07/01/2014	159-2014
7.1-5-10-5.	Amended.	72.	07/01/2014	159-2014
7.1-5-10-6.	Amended.	73.	07/01/2014	159-2014
7.1-5-10-8.	Amended.	74.	07/01/2014	159-2014
7.1-5-10-9.	Amended.	75.	07/01/2014	159-2014
7.1-5-10-11.	Amended.	76.	07/01/2014	159-2014
7.1-5-10-12.	Amended.	77.	07/01/2014	159-2014
7.1-5-10-13.	Amended.	78.	07/01/2014	159-2014
7.1-5-10-14.	Repealed.	79.	07/01/2014	159-2014
7.1-5-10-15.	Amended.	80.	07/01/2014	159-2014
7.1-5-10-16.	Repealed.	81.	07/01/2014	159-2014
7.1-5-10-17.	Repealed.	2.	07/01/2014	28-2014
7.1-5-10-18.	Repealed.	82.	07/01/2014	159-2014
7.1-5-10-19.	Repealed.	83.	07/01/2014	159-2014
7.1-5-10-20.	Amended.	84.	07/01/2014	159-2014
7.1-5-10-22.	Amended.	85.	07/01/2014	159-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
7.1-5-11-1.	Amended.	86.	07/01/2014	159-2014
7.1-5-11-1.5.	Amended.	87.	07/01/2014	159-2014
7.1-5-11-2.	Amended.	88.	07/01/2014	159-2014
7.1-5-11-3.	Amended.	89.	07/01/2014	159-2014
7.1-5-11-4.	Amended.	90.	07/01/2014	159-2014
7.1-5-11-5.	Amended.	91.	07/01/2014	159-2014
7.1-5-11-6.	Amended.	92.	07/01/2014	159-2014
7.1-5-11-7.	Amended.	93.	07/01/2014	159-2014
7.1-5-11-8.	Amended.	94.	07/01/2014	159-2014
7.1-5-11-9.	Amended.	95.	07/01/2014	159-2014
7.1-5-11-10.	Amended.	96.	07/01/2014	159-2014
7.1-5-11-11.	Amended.	97.	07/01/2014	159-2014
7.1-5-11-12.	Amended.	98.	07/01/2014	159-2014
7.1-5-11-13.	Amended.	99.	07/01/2014	159-2014
7.1-5-11-14.	Amended.	100.	07/01/2014	159-2014
7.1-5-11-15.	Amended.	101.	07/01/2014	159-2014
7.1-5-11-16.	Amended.	102.	07/01/2014	159-2014
7.1-5-12-4.	Amended.	4.	07/01/2014	70-2014
7.1-5-12-5.	Amended.	5.	07/01/2014	70-2014
7.1-5-12-14.	Amended.	73.	03/24/2014	53-2014

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8-1-1.1-7.	Amended.	74.	03/24/2014	53-2014
8-1-2-24.	Amended.	1.	03/27/2014	222-2014
8-1-2-61.7.	Amended.	1.	03/27/2014	213-2014
8-1-2-70.	Amended.	2.	03/27/2014	213-2014
8-1-2-86.5.	Repealed.	3.	03/27/2014	213-2014
8-1-2-89.	Amended.	15.	07/01/2014	113-2014
8-1-2.4-2.	Amended.	2.	07/01/2014	222-2014
8-1-2.4-3.	Amended.	3.	07/01/2014	222-2014
8-1-2.4-6.	New.	4.	07/01/2014	222-2014
8-1-2.5-9.	Amended.	75.	03/24/2014	53-2014
8-1-2.6-1.5.	Amended.	1.	07/01/2014	107-2014
8-1-2.6-2.	Amended.	2.	07/01/2014	107-2014
8-1-2.6-4.	Amended.	76.	03/24/2014	53-2014
8-1-2.6-4.1.	Amended.	77.	03/24/2014	53-2014
8-1-2.6-13.	Amended.	3.	07/01/2014	107-2014
8-1-2.6-16.	Repealed.	4.	07/01/2014	107-2014
8-1-8.5-5.	Amended.	1.	07/01/2014	210-2014
8-1-8.5-9.	New.	1.	03/28/2014	223-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
8-1-8.8-14.	Amended.	78.	03/24/2014	53-2014
8-1-13-18.5.	Amended.	4.	03/27/2014	213-2014
8-1-17.5-25.	Amended.	5.	03/27/2014	213-2014
8-1-26-3.5.	New.	1.	07/01/2014	200-2014
8-1-26-9.	Amended.	2.	07/01/2014	200-2014
8-1-26-16.	Amended.	3.	07/01/2014	200-2014
8-1-26-17.	Amended.	4.	07/01/2014	200-2014
8-1-26-18.	Amended.	5.	07/01/2014	200-2014
8-1-26-20.	Amended.	6.	07/01/2014	200-2014
8-1-30.5-3.	Amended.	79.	03/24/2014	53-2014
8-1-31-1.3.	New.	1.	07/01/2014	209-2014
8-1-31-1.5.	New.	2.	07/01/2014	209-2014
8-1-31-2.	Repealed.	3.	07/01/2014	209-2014
8-1-31-3.	Repealed.	4.	07/01/2014	209-2014
8-1-31-4.	Repealed.	5.	07/01/2014	209-2014
8-1-31-5.	Amended.	6.	07/01/2014	209-2014
8-1-31-5.5.	New.	7.	07/01/2014	209-2014
8-1-31-6.	Amended.	8.	07/01/2014	209-2014
8-1-31-8.	Amended.	9.	07/01/2014	209-2014
8-1-31-9.	Amended.	10.	07/01/2014	209-2014
8-1-31-10.	Amended.	11.	07/01/2014	209-2014
8-1-31-13.	Amended.	12.	07/01/2014	209-2014
8-1-31-14.	Amended.	13.	07/01/2014	209-2014
8-1-31-15.	Amended.	14.	07/01/2014	209-2014
8-1-31-16.	Amended.	15.	07/01/2014	209-2014
8-1-31-17.	Amended.	16.	07/01/2014	209-2014
8-1-32-12.	Amended.	6.	03/27/2014	213-2014
8-1-32.5-6.	Amended.	80.	03/24/2014	53-2014
8-1-34-16.	Amended.	81.	03/24/2014	53-2014
8-1-34-24.5.	Amended.	82.	03/24/2014	53-2014
8-1-37-14.	Amended.	83.	03/24/2014	53-2014
8-1.5-5-29.	Amended.	1.	07/01/2014	196-2014
8-1.5-5-30.	Amended.	2.	07/01/2014	196-2014
8-1.5-6.	New.	7.	03/27/2014	213-2014
8-6-7.6-1.1.	Amended.	1.	07/01/2014	205-2014
8-10-1-29.	Amended.	11.	07/01/2014	168-2014
8-14-1-1.	Amended.	8.	01/01/2015	216-2014
8-14-1-3.	Amended.	33.	03/13/2014	2-2014
8-14-2-2.1.	Amended.	9.	01/01/2015	216-2014
8-14-10-9.	Amended.	10.	01/01/2015	216-2014
8-14-14-5.	Amended.	1.	03/27/2014	201-2014

Affected Provisions	Type	SEC.	Effective	P.L.
8-14-14.1-3.	Amended.	2.	03/27/2014	201-2014
8-14-14.1-4.	New.	3.	03/27/2014	201-2014
8-15-2-1.3.	Amended.	84.	03/24/2014	53-2014
8-15.5-1-2.	Amended.	17.	07/01/2014	91-2014
8-15.5-2-3.5.	Amended.	18.	07/01/2014	91-2014
8-15.5-2-6.	Amended.	19.	07/01/2014	91-2014
8-15.5-2-8.	Amended.	20.	07/01/2014	91-2014
8-15.5-2-9.7.	New.	21.	07/01/2014	91-2014
8-15.5-3-1.	Amended.	22.	07/01/2014	91-2014
8-15.5-4-1.5.	Amended.	23.	07/01/2014	91-2014
8-15.5-4-9.	Amended.	24.	07/01/2014	91-2014
8-15.5-4-12.	Amended.	25.	07/01/2014	91-2014
8-15.5-5-2.	Amended.	26.	07/01/2014	91-2014
8-15.5-5-5.	Amended.	27.	07/01/2014	91-2014
8-15.5-5-6.	Amended.	28.	07/01/2014	91-2014
8-15.5-6-4.	Amended.	29.	07/01/2014	91-2014
8-15.5-8-1.	Amended.	30.	07/01/2014	91-2014
8-15.5-8-1.5.	New.	31.	07/01/2014	91-2014
8-15.5-10-2.	Amended.	32.	07/01/2014	91-2014
8-21-1-8.	Amended.	34.	03/13/2014	2-2014
8-22-1-4.5.	Amended.	30.	07/01/2014	190-2014
8-22-3-11.	Amended.	37.	03/26/2014	166-2014
8-22-3-25.	Amended.	38.	03/26/2014	166-2014
8-22-3-31.	Amended.	39.	03/26/2014	166-2014
8-23-2-5.	Amended.	85.	04/15/2014	53-2014
8-23-2-5.	Amended.	3.	03/13/2014	16-2014
8-23-2-15.	Amended.	5.	01/01/2015	217-2014
8-23-3-8.	Amended.	16.	07/01/2014	153-2014
8-23-9-56.	Amended.	86.	04/15/2014	53-2014
8-23-9-56.	Amended.	4.	03/13/2014	16-2014
8-23-29.	New.	1.	03/27/2014	208-2014
8-23-29-4.	Amended.	87.	04/15/2014	53-2014
8-25	New.	17.	07/01/2014	153-2014

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9-13-2-19.4.	Amended.	35.	03/13/2014	2-2014
9-13-2-25.8.	New.	7.	01/01/2015	221-2014
9-13-2-26.5.	New.	8.	01/01/2015	221-2014
9-13-2-31.5.	Amended.	10.	07/01/2014	212-2014
9-13-2-32.7.	New.	11.	01/01/2015	216-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-13-2-33.5.	New.	88.	03/24/2014	53-2014
9-13-2-39.8.	New.	12.	01/01/2015	216-2014
9-13-2-42.	Amended.	1.	07/01/2014	62-2014
9-13-2-54.	Amended.	2.	07/01/2014	215-2014
9-13-2-58.	Amended.	3.	07/01/2014	215-2014
9-13-2-73.3.	New.	13.	01/01/2015	216-2014
9-13-2-75.	Amended.	6.	01/01/2015	217-2014
9-13-2-82.5.	New.	14.	01/01/2015	216-2014
9-13-2-93.3.	Repealed.	89.	03/24/2014	53-2014
9-13-2-94.3.	New.	15.	01/01/2015	216-2014
9-13-2-102.3.	Amended.	16.	01/01/2015	216-2014
9-13-2-103.	Amended.	9.	01/01/2015	221-2014
9-13-2-104.	Repealed.	10.	01/01/2015	221-2014
9-13-2-104.1.	New.	11.	01/01/2015	221-2014
9-13-2-105.	Amended.	12.	01/01/2015	221-2014
9-13-2-105.3.	New.	17.	01/01/2015	216-2014
9-13-2-108.	Amended.	13.	01/01/2015	221-2014
9-13-2-108.3.	New.	18.	01/01/2015	216-2014
9-13-2-109.	Repealed.	14.	01/01/2015	221-2014
9-13-2-123.	Amended.	15.	01/01/2015	221-2014
9-13-2-144.5.	Amended.	19.	01/01/2015	216-2014
9-13-2-146.	Repealed.	16.	07/01/2014	113-2014
9-13-2-146.	Repealed.	7.	01/01/2015	217-2014
9-13-2-149.8.	New.	8.	01/01/2015	217-2014
9-13-2-150.	Amended.	20.	01/01/2015	216-2014
9-13-2-150.7.	New.	1.	01/01/2015	10-2014
9-13-2-170.5.	Repealed.	21.	01/01/2015	216-2014
9-13-2-173.3.	New.	22.	01/01/2015	216-2014
9-13-2-173.5.	New.	23.	01/01/2015	216-2014
9-13-2-173.7.	New.	24.	01/01/2015	216-2014
9-13-2-176.	Repealed.	9.	01/01/2015	217-2014
9-13-2-176.	Repealed.	17.	07/01/2014	113-2014
9-13-2-182.	Amended.	10.	01/01/2015	217-2014
9-13-2-182.	Amended.	18.	07/01/2014	113-2014
9-13-2-196.	Amended.	16.	01/01/2015	221-2014
9-13-2-196.3.	New.	11.	01/01/2015	217-2014
9-14-2-1.	Amended.	5.	03/13/2014	16-2014
9-14-2-1.	Amended.	90.	04/15/2014	53-2014
9-14-3-4.	Amended.	25.	01/01/2015	216-2014
9-14-3-5.	Amended.	36.	03/13/2014	2-2014
9-14-5-7.	Amended.	26.	01/01/2015	216-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
9-14-5-8.	Amended.	27.	01/01/2015	216-2014
9-15-2-1.	Amended.	28.	01/01/2015	216-2014
9-16-1-5.	Amended.	29.	01/01/2015	216-2014
9-16-3-2.	Amended.	30.	01/01/2015	216-2014
9-17-1-1.	Amended.	17.	01/01/2015	221-2014
9-17-2-14.	Amended.	12.	01/01/2015	217-2014
9-17-2-16.	Repealed.	13.	01/01/2015	217-2014
[2] 9-17-3-3.2.	Amended.	14.	07/01/2014	217-2014
[3] 9-17-3-3.4.	Amended.	15.	07/01/2014	217-2014
9-17-3-7.	Amended.	16.	07/01/2014	217-2014
9-17-3-7.	Amended.	2.	07/01/2014	226-2014(ts)
9-17-3-8.	Amended.	31.	01/01/2015	216-2014
9-17-4-7.	Amended.	17.	01/01/2015	217-2014
9-17-4-8.	Amended.	18.	01/01/2015	217-2014
9-17-4-14.	Repealed.	19.	01/01/2015	217-2014
[1] 9-17-4-14.	Amended.	12.	07/01/2014	168-2014
[1] 9-17-4-15.	Amended.	13.	07/01/2014	168-2014
9-17-4-15.	Repealed.	20.	01/01/2015	217-2014
9-17-4-16.	Repealed.	21.	01/01/2015	217-2014
[1] 9-17-4-16.	Amended.	14.	07/01/2014	168-2014
[1] 9-17-4-17.	Amended.	15.	07/01/2014	168-2014
9-17-4-17.	Repealed.	22.	01/01/2015	217-2014
9-17-4-18.	Repealed.	23.	01/01/2015	217-2014
[1] 9-17-4-18.	Amended.	16.	07/01/2014	168-2014
9-18-2-1.	Amended.	18.	01/01/2015	221-2014
9-18-2-4.5.	Amended.	11.	07/01/2014	212-2014
9-18-2-4.6.	New.	12.	07/01/2014	212-2014
9-18-2-7.	Amended.	37.	03/13/2014	2-2014
9-18-2-8.	Amended.	1.	07/01/2014	160-2014

[1] P.L.168-2014, SEC.126 stated the general assembly's intention to repeal IC 9-17-4-14, IC 9-17-4-15, IC 9-17-4-16, IC 9-17-4-17, and IC 9-17-4-18 effective 1-1-2015.

[2] and [3] P.L.226-2014(ts), SEC.14 changed the effective date for IC 9-17-3-3.2 and IC 9-17-3-3.4 to 07/01/2014, and not 01/01/2015.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-18-2-8.	Amended.	19.	01/01/2015	221-2014
9-18-2-8.	Amended.	32.	01/01/2015	216-2014
9-18-2-8.5.	Amended.	33.	01/01/2015	216-2014
9-18-2-12.	Amended.	20.	01/01/2015	221-2014
9-18-2-20.	Amended.	34.	01/01/2015	216-2014
9-18-2-26.	Amended.	21.	01/01/2015	221-2014
9-18-2-29.	Amended.	22.	01/01/2015	221-2014
9-18-2-42.	Repealed.	24.	01/01/2015	217-2014
9-18-2-47.	Amended.	13.	07/01/2014	212-2014
9-18-2-48.	Amended.	35.	01/01/2015	216-2014
9-18-2.5-12.	Amended.	25.	01/01/2015	217-2014
9-18-2.5-16.	Amended.	26.	01/01/2015	217-2014
9-18-4-8.	Repealed.	27.	01/01/2015	217-2014
9-18-6-2.	Amended.	36.	01/01/2015	216-2014
9-18-6-2.1.	New.	37.	01/01/2015	216-2014
9-18-6-4.	Amended.	38.	01/01/2015	216-2014
9-18-12-4.	Amended.	23.	01/01/2015	221-2014
9-18-13-4.	Amended.	28.	01/01/2015	217-2014
9-18-13-7.	Amended.	29.	01/01/2015	217-2014
9-18-13-9.	Repealed.	30.	01/01/2015	217-2014
9-18-13-10.	Repealed.	31.	01/01/2015	217-2014
9-18-15-1.	Amended.	1.	07/01/2014	203-2014
9-18-15-10.	Amended.	39.	01/01/2015	216-2014
9-18-15-13.5.	Repealed.	40.	01/01/2015	216-2014
9-18-17-5.	New.	41.	01/01/2015	216-2014
9-18-19-1.	Amended.	42.	01/01/2015	216-2014
9-18-19-4.	New.	43.	01/01/2015	216-2014
9-18-24-3.	Amended.	44.	01/01/2015	216-2014
9-18-25-0.5.	Amended.	91.	03/24/2014	53-2014
9-18-25-2.3.	Amended.	92.	03/24/2014	53-2014
9-18-25-2.5.	Amended.	93.	03/24/2014	53-2014
9-18-25-2.7.	Amended.	94.	03/24/2014	53-2014
9-18-25-17.5.	Amended.	45.	01/01/2015	216-2014
9-18-25-17.7.	Amended.	46.	01/01/2015	216-2014
9-18-29-6.	Amended.	47.	01/01/2015	216-2014
9-18-30-6.	Amended.	48.	01/01/2015	216-2014
9-18-47-1.	Amended.	2.	07/01/2014	203-2014
9-18-47-2.	Amended.	3.	07/01/2014	203-2014
9-18-47-3.	Amended.	4.	07/01/2014	203-2014
9-18-47-4.	Amended.	5.	07/01/2014	203-2014
9-19-3-1.	Amended.	24.	01/01/2015	221-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-19-3-2.	Amended.	25.	01/01/2015	221-2014
9-19-3-3.	Amended.	26.	01/01/2015	221-2014
9-19-3-4.	Amended.	27.	01/01/2015	221-2014
9-19-5-6.	Amended.	14.	07/01/2014	212-2014
9-19-6-3.	Amended.	28.	01/01/2015	221-2014
9-19-6-4.	Amended.	29.	01/01/2015	221-2014
9-19-6-5.	Amended.	30.	01/01/2015	221-2014
9-19-6-6.	Amended.	31.	01/01/2015	221-2014
9-19-6-20.	Amended.	32.	01/01/2015	221-2014
9-19-6-22.	Amended.	33.	01/01/2015	221-2014
9-19-7-1.	Amended.	34.	01/01/2015	221-2014
9-19-7-2.	Amended.	35.	01/01/2015	221-2014
9-19-7-2.5.	Amended.	36.	01/01/2015	221-2014
9-19-9-1.	Repealed.	32.	01/01/2015	217-2014
9-19-9-2.	Repealed.	33.	01/01/2015	217-2014
9-19-9-3.	Repealed.	34.	01/01/2015	217-2014
9-19-9-4.	Amended.	35.	01/01/2015	217-2014
9-19-9-5.	Repealed.	36.	01/01/2015	217-2014
9-19-9-7.	Amended.	37.	01/01/2015	217-2014
9-19-10-1.	Amended.	49.	01/01/2015	216-2014
9-19-10.5-2.	Amended.	38.	01/01/2015	217-2014
9-19-10.5-3.	Amended.	39.	01/01/2015	217-2014
9-19-10.5-4.	Repealed.	40.	01/01/2015	217-2014
9-19-10.5-5.	Repealed.	41.	01/01/2015	217-2014
9-19-19-2.	Amended.	37.	01/01/2015	221-2014
9-19-19-4.	Amended.	42.	01/01/2015	217-2014
9-19-22.	New.	2.	07/01/2014	160-2014
9-20-4-2.	Amended.	4.	07/01/2014	215-2014
9-20-16-1.	Amended.	6.	03/13/2014	16-2014
9-20-16-1.	Amended.	95.	04/15/2014	53-2014
9-20-18-4.	Amended.	43.	01/01/2015	217-2014
9-21-3-7.	Amended.	1.	07/01/2014	206-2014
9-21-3-10.	Repealed.	44.	01/01/2015	217-2014
9-21-3-10.	Repealed.	19.	07/01/2014	113-2014
9-21-3-11.	Amended.	45.	01/01/2015	217-2014
9-21-3-11.	Amended.	20.	07/01/2014	113-2014
9-21-4-2.	Amended.	46.	01/01/2015	217-2014
9-21-5-8.5.	Amended.	38.	01/01/2015	221-2014
9-21-7-3.	Amended.	39.	01/01/2015	221-2014
9-21-7-8.	Amended.	40.	01/01/2015	221-2014
9-21-8-2.	Amended.	41.	01/01/2015	221-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
9-21-8-20.	Amended.	42.	01/01/2015	221-2014
9-21-8-41.	Amended.	21.	07/01/2014	113-2014
9-21-8-41.	Amended.	47.	01/01/2015	217-2014
9-21-8-43.	Amended.	48.	01/01/2015	217-2014
9-21-8-43.	Amended.	22.	07/01/2014	113-2014
9-21-8-52.	Amended.	49.	01/01/2015	217-2014
9-21-8-56.	Amended.	50.	01/01/2015	217-2014
9-21-8-59.	Amended.	1.	07/01/2014	191-2014
9-21-9-0.5.	Amended.	43.	01/01/2015	221-2014
9-21-10-1.	Amended.	44.	01/01/2015	221-2014
9-21-10-2.	Amended.	45.	01/01/2015	221-2014
9-21-10-3.	Amended.	46.	01/01/2015	221-2014
9-21-10-4.	Amended.	47.	01/01/2015	221-2014
9-21-10-5.	Amended.	48.	01/01/2015	221-2014
9-21-10-7.	Amended.	49.	01/01/2015	221-2014
9-21-10-7.	Amended.	2.	07/01/2014	206-2014
9-21-10-8.	Amended.	50.	01/01/2015	221-2014
9-21-10-9.	Repealed.	51.	01/01/2015	221-2014
9-21-10-10.	Amended.	52.	01/01/2015	221-2014
9-21-10-11.	Amended.	53.	01/01/2015	221-2014
9-21-10-12.	Amended.	54.	01/01/2015	221-2014
9-21-11-2.	Amended.	55.	01/01/2015	221-2014
9-21-11-5.	Repealed.	51.	01/01/2015	217-2014
9-21-11-12.	Amended.	56.	01/01/2015	221-2014
9-21-11-13.	Repealed.	57.	01/01/2015	221-2014
9-21-11-13.5.	New.	3.	07/01/2014	206-2014
9-21-12-1.	Amended.	52.	01/01/2015	217-2014
9-21-12-2.	Repealed.	23.	07/01/2014	113-2014
9-21-12-2.	Repealed.	53.	01/01/2015	217-2014
9-21-12-5.	Amended.	54.	01/01/2015	217-2014
9-21-12-6.	Repealed.	55.	01/01/2015	217-2014
9-21-12-6.	Repealed.	24.	07/01/2014	113-2014
9-21-12-7.	Amended.	56.	01/01/2015	217-2014
9-21-12-9.	Amended.	25.	07/01/2014	113-2014
9-21-12-9.	Repealed.	57.	01/01/2015	217-2014
9-21-12-11.	Repealed.	58.	01/01/2015	217-2014
9-21-12-11.	Amended.	26.	07/01/2014	113-2014
9-21-12-12.	Repealed.	59.	01/01/2015	217-2014
9-21-12-13.	Amended.	60.	01/01/2015	217-2014
9-21-12-14.	Amended.	61.	01/01/2015	217-2014
9-21-12-15.	Amended.	62.	01/01/2015	217-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
9-21-12-16.	Amended.	63.	01/01/2015	217-2014
9-21-12-17.	Repealed.	27.	07/01/2014	113-2014
9-21-12-17.	Repealed.	64.	01/01/2015	217-2014
9-21-12-18.	Amended.	65.	01/01/2015	217-2014
9-21-12-18.	Amended.	28.	07/01/2014	113-2014
9-21-21-1.	Repealed.	5.	07/01/2014	215-2014
9-21-21-2.	Amended.	6.	07/01/2014	215-2014
9-21-21-3.	Amended.	7.	07/01/2014	215-2014
9-21-21-3.	Amended.	50.	01/01/2015	216-2014
9-21-21-4.3.	Amended.	8.	07/01/2014	215-2014
9-21-21-4.3.	Amended.	51.	01/01/2015	216-2014
9-22-1-19.	Amended.	2.	07/01/2014	62-2014
9-22-3-7.	Amended.	66.	01/01/2015	217-2014
9-22-3-8.	Amended.	67.	01/01/2015	217-2014
9-22-3-30.	Repealed.	38.	03/13/2014	2-2014
9-22-3-31.	Amended.	68.	01/01/2015	217-2014
[1] 9-22-3-33.	Amended.	17.	07/01/2014	168-2014
9-22-3-33.	Repealed.	69.	01/01/2015	217-2014
9-22-5-18.	Amended.	70.	01/01/2015	217-2014
9-22-5-18.2.	Amended.	71.	07/01/2014	217-2014
9-22-5-19.	Amended.	72.	01/01/2015	217-2014
9-22-6-1.	Amended.	73.	01/01/2015	217-2014
9-22-6-2.	Amended.	74.	01/01/2015	217-2014
9-22-6-3.	Repealed.	75.	01/01/2015	217-2014
9-24-1-1.	Amended.	58.	01/01/2015	221-2014
9-24-1-5.	Amended.	59.	01/01/2015	221-2014
9-24-1-6.	Amended.	76.	01/01/2015	217-2014
9-24-1-8.	Amended.	77.	01/01/2015	217-2014
9-24-2-3.	Amended.	39.	03/13/2014	2-2014
9-24-2-4.	Amended.	78.	01/01/2015	217-2014
9-24-2-5.	Amended.	79.	01/01/2015	217-2014
9-24-2.5-6.	Amended.	74.	07/01/2014	64-2014
9-24-3-4.	Amended.	80.	01/01/2015	217-2014
9-24-4-4.	Amended.	60.	01/01/2015	221-2014
9-24-4-4.5.	Repealed.	40.	03/13/2014	2-2014
9-24-5-3.	Amended.	61.	01/01/2015	221-2014
9-24-6-18.	Amended.	81.	01/01/2015	217-2014

[1] P.L.168-2014, SEC.126 stated the general assembly's intention to repeal IC 9-22-3-33 effective 1-1-2015.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-24-8-3.	Amended.	62.	01/01/2015	221-2014
9-24-8-4.	Amended.	63.	01/01/2015	221-2014
9-24-8-6.	Repealed.	82.	01/01/2015	217-2014
9-24-8-6.	Repealed.	29.	07/01/2014	113-2014
[1] 9-24-8-6.	Amended.	64.	01/01/2015	221-2014
9-24-11-4.	Amended.	83.	01/01/2015	217-2014
9-24-11-5.	Amended.	52.	01/01/2015	216-2014
9-24-11-5.5.	Amended.	41.	03/13/2014	2-2014
9-24-11-8.	Amended.	84.	01/01/2015	217-2014
9-24-11-10.	Amended.	85.	01/01/2015	217-2014
9-24-11-11.	Repealed.	86.	01/01/2015	217-2014
9-24-12-4.	Amended.	42.	03/13/2014	2-2014
9-24-12-7.	Amended.	65.	01/01/2015	221-2014
9-24-15.	Repealed.	87.	01/01/2015	217-2014
9-24-16-1.5.	New.	66.	01/01/2015	221-2014
9-24-16-2.	Amended.	67.	01/01/2015	221-2014
9-24-16-3.	Amended.	68.	01/01/2015	221-2014
9-24-16-3.	Amended.	43.	03/13/2014	2-2014
9-24-16-3.6.	New.	69.	01/01/2015	221-2014
9-24-16-10.	Amended.	70.	01/01/2015	221-2014
9-24-16-12.	Amended.	88.	01/01/2015	217-2014
9-24-16-12.5.	New.	89.	01/01/2015	217-2014
9-24-16-13.	Repealed.	90.	01/01/2015	217-2014
9-24-18-0.5.	New.	91.	01/01/2015	217-2014
9-24-18-1.	Amended.	71.	01/01/2015	221-2014
9-24-18-1.	Amended.	92.	01/01/2015	217-2014
9-24-18-7.	Repealed.	93.	01/01/2015	217-2014
9-24-18-8.	Repealed.	103.	07/01/2014	159-2014
9-24-18-8.	Repealed.	94.	01/01/2015	217-2014
9-24-18-9.	Amended.	95.	01/01/2015	217-2014
9-24-18-11.	Amended.	53.	01/01/2015	216-2014
9-24-18-12.	Repealed.	96.	01/01/2015	217-2014
9-24-18-12.2.	New.	104.	07/01/2014	159-2014
9-24-19-1.	Amended.	97.	01/01/2015	217-2014
9-24-19-3.	Amended.	98.	01/01/2015	217-2014
9-24-19-4.	Repealed.	99.	01/01/2015	217-2014
9-24-19-5.	Repealed.	100.	01/01/2015	217-2014
9-24-19-7.	Amended.	72.	01/01/2015	221-2014

[1] P.L.216-2014, SEC.163 stated the general assembly's intention to repeal IC 9-24-8-6.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-25-5-7.	Amended.	2.	01/01/2015	10-2014
9-25-6-0.5.	New.	101.	01/01/2015	217-2014
9-25-6-18.	Repealed.	102.	01/01/2015	217-2014
9-25-8-2.	Amended.	3.	01/01/2015	10-2014
9-25-8-6.	Amended.	4.	01/01/2015	10-2014
9-26-1-1.	Repealed.	103.	01/01/2015	217-2014
9-26-1-1.1.	New.	104.	01/01/2015	217-2014
9-26-1-1.5.	Amended.	105.	01/01/2015	217-2014
9-26-1-2.	Repealed.	106.	01/01/2015	217-2014
9-26-1-3.	Repealed.	107.	01/01/2015	217-2014
9-26-1-4.	Repealed.	108.	01/01/2015	217-2014
9-26-1-8.	Repealed.	109.	01/01/2015	217-2014
9-26-1-9.	Repealed.	110.	01/01/2015	217-2014
9-26-6-0.5.	Repealed.	111.	01/01/2015	217-2014
9-26-6-1.	Amended.	112.	01/01/2015	217-2014
9-26-6-2.	Amended.	113.	01/01/2015	217-2014
9-26-6-4.	Repealed.	114.	01/01/2015	217-2014
9-26-8-2.	Amended.	115.	01/01/2015	217-2014
9-28-2-9.	Amended.	116.	01/01/2015	217-2014
9-29-1-1.	Repealed.	54.	01/01/2015	216-2014
9-29-1-2.	Repealed.	55.	01/01/2015	216-2014
[1] 9-29-1-2.	Amended.	117.	01/01/2015	217-2014
9-29-1-4.	Amended.	56.	01/01/2015	216-2014
9-29-1-5.	Amended.	57.	01/01/2015	216-2014
9-29-1-6.	Amended.	58.	01/01/2015	216-2014
9-29-1-10.	New.	59.	01/01/2015	216-2014
9-29-1-11.	New.	60.	01/01/2015	216-2014
9-29-1-12.	New.	61.	01/01/2015	216-2014
9-29-2-1.	Amended.	62.	01/01/2015	216-2014
9-29-2-2.	Amended.	63.	01/01/2015	216-2014
9-29-2-3.5.	New.	64.	01/01/2015	216-2014
9-29-3.	Repealed.	65.	01/01/2015	216-2014
[1] 9-29-3-10.	Amended.	73.	01/01/2015	221-2014
[1] 9-29-3-11.	Amended.	74.	01/01/2015	221-2014
[1] 9-29-3-19.	Amended.	6.	07/01/2014	203-2014
9-29-4-1.	Repealed.	66.	01/01/2015	216-2014

[1] P.L.216-2014, SEC.163 stated the general assembly's intention to repeal IC 9-29-1-2.

[1] P.L.216-2014, SEC.163 stated the general assembly's intention to repeal IC 9-29-3.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-29-4-3.	Amended.	67.	01/01/2015	216-2014
9-29-4-3.5.	New.	68.	01/01/2015	216-2014
9-29-4-4.	Amended.	69.	01/01/2015	216-2014
9-29-4-5.	Amended.	70.	01/01/2015	216-2014
9-29-4-5.5.	Amended.	71.	01/01/2015	216-2014
9-29-4-7.	Amended.	72.	01/01/2015	216-2014
9-29-4-8.	New.	73.	01/01/2015	216-2014
9-29-4-9.	New.	74.	01/01/2015	216-2014
9-29-5-0.5.	Repealed.	75.	01/01/2015	216-2014
9-29-5-1.	Amended.	76.	01/01/2015	216-2014
9-29-5-1.2.	New.	77.	01/01/2015	216-2014
9-29-5-2.	Amended.	78.	01/01/2015	216-2014
9-29-5-2.	Amended.	75.	01/01/2015	221-2014
9-29-5-3.	Repealed.	79.	01/01/2015	216-2014
9-29-5-3.1.	New.	80.	01/01/2015	216-2014
9-29-5-3.2.	New.	81.	01/01/2015	216-2014
9-29-5-3.3.	New.	82.	01/01/2015	216-2014
9-29-5-4.	Amended.	83.	01/01/2015	216-2014
9-29-5-5.	Amended.	84.	01/01/2015	216-2014
9-29-5-6.	Amended.	85.	01/01/2015	216-2014
9-29-5-6.1.	New.	86.	01/01/2015	216-2014
9-29-5-6.2.	New.	87.	01/01/2015	216-2014
9-29-5-7.	Amended.	88.	01/01/2015	216-2014
9-29-5-7.5.	New.	89.	01/01/2015	216-2014
9-29-5-8.	Amended.	90.	01/01/2015	216-2014
9-29-5-9.	Amended.	91.	01/01/2015	216-2014
9-29-5-10.	Amended.	92.	01/01/2015	216-2014
9-29-5-11.	Amended.	93.	01/01/2015	216-2014
9-29-5-13.	Amended.	94.	01/01/2015	216-2014
9-29-5-13.	Amended.	9.	07/01/2014	215-2014
9-29-5-13.1.	New.	95.	01/01/2015	216-2014
9-29-5-13.2.	New.	96.	01/01/2015	216-2014
9-29-5-13.4.	New.	97.	01/01/2015	216-2014
9-29-5-13.5.	Amended.	98.	01/01/2015	216-2014
9-29-5-16.	Amended.	99.	01/01/2015	216-2014
9-29-5-17.	Amended.	100.	01/01/2015	216-2014
9-29-5-17.1.	New.	101.	01/01/2015	216-2014
9-29-5-18.	Amended.	102.	01/01/2015	216-2014
9-29-5-20.	Amended.	103.	01/01/2015	216-2014
9-29-5-22.	Amended.	104.	01/01/2015	216-2014
9-29-5-23.	Amended.	105.	01/01/2015	216-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-29-5-24.	Amended.	106.	01/01/2015	216-2014
9-29-5-27.	Repealed.	107.	01/01/2015	216-2014
9-29-5-28.	Amended.	108.	01/01/2015	216-2014
9-29-5-28.1.	New.	109.	01/01/2015	216-2014
9-29-5-28.2.	New.	110.	01/01/2015	216-2014
9-29-5-30.	Amended.	111.	01/01/2015	216-2014
9-29-5-30.1.	New.	112.	01/01/2015	216-2014
9-29-5-32.5.	Amended.	113.	01/01/2015	216-2014
9-29-5-33.	Amended.	114.	01/01/2015	216-2014
9-29-5-34.5.	Amended.	115.	01/01/2015	216-2014
9-29-5-36.	Amended.	116.	01/01/2015	216-2014
9-29-5-38.	Amended.	117.	01/01/2015	216-2014
9-29-5-42.	Amended.	31.	01/01/2015	190-2014
9-29-5-42.	Amended.	118.	01/01/2015	216-2014
9-29-5-43.	Repealed.	119.	01/01/2015	216-2014
[1] 9-29-5-43.	Amended.	44.	03/13/2014	2-2014
9-29-5-45.	New.	120.	01/01/2015	216-2014
9-29-6-1.5.	Amended.	45.	03/13/2014	2-2014
9-29-7-2.3.	Amended.	121.	01/01/2015	216-2014
9-29-7-2.5.	Repealed.	122.	01/01/2015	216-2014
9-29-7-7.	Repealed.	123.	01/01/2015	216-2014
9-29-9-1.	Amended.	124.	01/01/2015	216-2014
9-29-9-2.	Repealed.	125.	01/01/2015	216-2014
9-29-9-2.1.	New.	126.	01/01/2015	216-2014
9-29-9-2.5.	Amended.	127.	01/01/2015	216-2014
9-29-9-3.	Repealed.	128.	01/01/2015	216-2014
9-29-9-4.	Amended.	129.	01/01/2015	216-2014
9-29-9-5.	Amended.	130.	01/01/2015	216-2014
9-29-9-7.	Amended.	76.	01/01/2015	221-2014
9-29-9-7.	Amended.	131.	01/01/2015	216-2014
9-29-9-8.	Amended.	77.	01/01/2015	221-2014
9-29-9-8.	Amended.	132.	01/01/2015	216-2014
9-29-9-9.	Amended.	78.	01/01/2015	221-2014
9-29-9-9.	Amended.	133.	01/01/2015	216-2014
9-29-9-11.	Amended.	134.	01/01/2015	216-2014
9-29-9-14.	Amended.	118.	01/01/2015	217-2014
9-29-9-15.	Amended.	135.	01/01/2015	216-2014

[1] P.L.216-2014, SEC.163 stated the general assembly's intention to repeal IC 9-29-5-43.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-29-9-15.1.	Repealed.	136.	01/01/2015	216-2014
9-29-9-16.	New.	137.	01/01/2015	216-2014
9-29-9-17.	New.	138.	01/01/2015	216-2014
9-29-10-1.	Amended.	5.	07/01/2014	10-2014
9-29-14-1.	Amended.	139.	01/01/2015	216-2014
9-29-14-5.	Amended.	140.	01/01/2015	216-2014
9-29-15-0.3.	Repealed.	141.	01/01/2015	216-2014
9-29-15-1.	Amended.	142.	01/01/2015	216-2014
9-29-15-2.	Amended.	143.	01/01/2015	216-2014
9-29-15-3.	Amended.	144.	01/01/2015	216-2014
9-29-15-4.	Amended.	145.	01/01/2015	216-2014
9-29-15-5.	Amended.	146.	01/01/2015	216-2014
9-29-15-6.	Repealed.	147.	01/01/2015	216-2014
9-29-15-9.	Amended.	148.	01/01/2015	216-2014
9-29-16-5.	Amended.	149.	01/01/2015	216-2014
9-29-17-1.	Amended.	150.	01/01/2015	216-2014
9-29-17-1.	Amended.	3.	07/01/2014	62-2014
9-29-17-3.	Amended.	151.	01/01/2015	216-2014
9-29-17-4.	Amended.	152.	01/01/2015	216-2014
9-29-17-5.	Amended.	4.	07/01/2014	62-2014
9-29-17-7.	Amended.	5.	07/01/2014	62-2014
9-29-17-8.	Amended.	6.	07/01/2014	62-2014
9-29-17-9.	Amended.	7.	07/01/2014	62-2014
9-29-17-10.	Amended.	8.	07/01/2014	62-2014
9-29-17-11.	Amended.	153.	01/01/2015	216-2014
9-29-17-12.5.	New.	9.	07/01/2014	62-2014
9-29-17-14.	Amended.	154.	01/01/2015	216-2014
9-29-17-15.	Repealed.	10.	07/01/2014	62-2014
9-29-17-16.	New.	155.	01/01/2015	216-2014
9-30-2-6.	Amended.	119.	01/01/2015	217-2014
9-30-4-1.	Amended.	120.	01/01/2015	217-2014
9-30-4-1.	Amended.	30.	07/01/2014	113-2014
9-30-4-3.	Amended.	121.	01/01/2015	217-2014
9-30-4-6.	Amended.	122.	01/01/2015	217-2014
9-30-4-7.	Repealed.	123.	01/01/2015	217-2014
9-30-4-8.	Amended.	124.	01/01/2015	217-2014
9-30-5-10.	Amended.	125.	01/01/2015	217-2014
9-30-5-11.	Repealed.	126.	01/01/2015	217-2014
9-30-5-12.	Repealed.	127.	01/01/2015	217-2014
9-30-5-13.	Repealed.	128.	01/01/2015	217-2014
9-30-5-14.	Repealed.	129.	01/01/2015	217-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-30-5-15.	Amended.	18.	07/01/2014	168-2014
9-30-5-16.	Amended.	31.	01/01/2015	113-2014
9-30-5-16.	Amended.	130.	01/01/2015	217-2014
9-30-8-3.	Amended.	131.	01/01/2015	217-2014
9-30-8-6.	New.	132.	01/01/2015	217-2014
9-30-10-4.	Amended.	79.	01/01/2015	221-2014
9-30-10-4.	Amended.	133.	01/01/2015	217-2014
9-30-10-5.	Amended.	134.	01/01/2015	217-2014
9-30-10-6.5.	New.	135.	01/01/2015	217-2014
9-30-10-8.	Amended.	136.	01/01/2015	217-2014
[1] 9-30-10-9.	Amended.	80.	01/01/2015	221-2014
9-30-10-9.	Repealed.	137.	01/01/2015	217-2014
9-30-10-11.	Repealed.	138.	01/01/2015	217-2014
9-30-10-12.	Repealed.	139.	01/01/2015	217-2014
[1] 9-30-10-13.	Amended.	81.	01/01/2015	221-2014
9-30-10-13.	Repealed.	140.	01/01/2015	217-2014
9-30-10-14.	Repealed.	141.	01/01/2015	217-2014
9-30-10-15.	Repealed.	142.	01/01/2015	217-2014
[1] 9-30-10-15.	Amended.	82.	01/01/2015	221-2014
9-30-10-17.	Amended.	143.	01/01/2015	217-2014
9-30-10-17.5.	Repealed.	144.	01/01/2015	217-2014
[1] 9-30-10-17.5.	Amended.	83.	01/01/2015	221-2014
9-30-10-18.	Amended.	145.	01/01/2015	217-2014
9-30-10-18.	Amended.	84.	01/01/2015	221-2014
9-30-10-18.	Amended.	156.	01/01/2015	216-2014
9-30-13-1.	Repealed.	146.	01/01/2015	217-2014
9-30-13-2.	Repealed.	147.	01/01/2015	217-2014
9-30-13-3.	Repealed.	148.	01/01/2015	217-2014
9-30-13-4.	Repealed.	149.	01/01/2015	217-2014
9-30-13-6.	Amended.	150.	01/01/2015	217-2014
9-30-13-6.	Amended.	46.	03/13/2014	2-2014
9-30-13-7.	Amended.	151.	01/01/2015	217-2014
9-30-13-8.	Amended.	152.	01/01/2015	217-2014
9-30-15.5.	New.	153.	01/01/2015	217-2014
9-30-16.	New.	154.	01/01/2015	217-2014
9-31-2-3.	Amended.	155.	01/01/2015	217-2014
9-31-2-5.	Amended.	156.	01/01/2015	217-2014

[1] P.L.216-2014, SEC.163 stated the general assembly's intention to repeal IC 9-30-10-9, IC 9-30-10-13, IC 9-30-10-15, and IC 9-30-10-17.5.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
9-31-2-6.	Amended.	157.	01/01/2015	217-2014
9-31-2-9.	Amended.	158.	01/01/2015	217-2014
9-31-2-10.	Amended.	159.	01/01/2015	217-2014
9-31-2-26.	Amended.	160.	01/01/2015	217-2014
9-31-2-27.	Repealed.	161.	01/01/2015	217-2014
9-31-2-28.	Repealed.	162.	01/01/2015	217-2014
9-31-3-11.	Amended.	1.	07/01/2014	195-2014
9-31-3-13.	Amended.	157.	01/01/2015	216-2014
9-32-3-3.	New.	158.	03/27/2014	216-2014
9-32-4-1.	Amended.	163.	01/01/2015	217-2014
9-32-6-1.	Amended.	11.	07/01/2014	62-2014
9-32-6-2.	Amended.	12.	07/01/2014	62-2014
9-32-6-5.	Amended.	13.	07/01/2014	62-2014
9-32-6-6.	Amended.	14.	07/01/2014	62-2014
9-32-6-6.3.	New.	15.	07/01/2014	62-2014
9-32-6-6.5.	New.	16.	07/01/2014	62-2014
9-32-6-7.	Amended.	164.	01/01/2015	217-2014
9-32-6-7.	Amended.	17.	07/01/2014	62-2014
9-32-6-8.	Amended.	18.	07/01/2014	62-2014
9-32-6-9.	Amended.	19.	07/01/2014	62-2014
9-32-6-10.	Amended.	165.	01/01/2015	217-2014
9-32-6-10.	Amended.	20.	07/01/2014	62-2014
9-32-6-11.	Amended.	166.	01/01/2015	217-2014
9-32-6-12.	Amended.	167.	01/01/2015	217-2014
9-32-6-13.	Amended.	168.	01/01/2015	217-2014
9-32-7-3.	Amended.	21.	07/01/2014	62-2014
9-32-8-1.	Repealed.	22.	07/01/2014	62-2014
9-32-8-5.	Amended.	23.	07/01/2014	62-2014
9-32-9-1.	Amended.	169.	01/01/2015	217-2014
9-32-9-2.	Amended.	170.	01/01/2015	217-2014
9-32-9-5.	Amended.	24.	07/01/2014	62-2014
9-32-9-8.	Amended.	25.	07/01/2014	62-2014
9-32-9-10.	Amended.	171.	01/01/2015	217-2014
9-32-11-1.	Amended.	26.	07/01/2014	62-2014
9-32-11-1.	Amended.	172.	01/01/2015	217-2014
9-32-11-1.	Amended.	27.	01/01/2015	62-2014
9-32-11-2.	Amended.	28.	07/01/2014	62-2014
9-32-11-3.	Amended.	29.	07/01/2014	62-2014
9-32-11-4.	Amended.	30.	07/01/2014	62-2014
9-32-11-5.	Amended.	31.	07/01/2014	62-2014
9-32-11-6.	Amended.	32.	07/01/2014	62-2014

Affected Provisions	Type	SEC.	Effective	P.L.
9-32-11-6.	Amended.	47.	03/13/2014	2-2014
9-32-11-7.	Amended.	33.	07/01/2014	62-2014
9-32-11-10.	Amended.	34.	07/01/2014	62-2014
9-32-11-12.	Amended.	36.	01/01/2015	62-2014
9-32-11-12.	Amended.	173.	01/01/2015	217-2014
9-32-11-12.	Amended.	35.	07/01/2014	62-2014
9-32-11-12.3.	New.	37.	07/01/2014	62-2014
9-32-11-12.5.	New.	38.	07/01/2014	62-2014
9-32-11-12.5.	Amended.	32.	01/01/2015	113-2014
9-32-11-17.	Amended.	39.	07/01/2014	62-2014
9-32-13-23.	Amended.	48.	03/13/2014	2-2014
9-32-13-31.	New.	174.	01/01/2015	217-2014
9-32-16-1.	Amended.	40.	07/01/2014	62-2014
9-32-16-1.	Amended.	159.	01/01/2015	216-2014
9-32-16-1.	Amended.	49.	03/13/2014	2-2014
9-32-16-2.	Amended.	41.	07/01/2014	62-2014
9-32-16-3.	Amended.	50.	03/13/2014	2-2014
9-32-16-11.	Amended.	42.	07/01/2014	62-2014
9-32-17-2.	Repealed.	175.	01/01/2015	217-2014
[1] 9-32-17-2.	Amended.	19.	07/01/2014	168-2014
9-32-17-3.	Repealed.	176.	01/01/2015	217-2014
9-32-17-4.	Repealed.	177.	01/01/2015	217-2014
[2] 9-32-17-5.	Amended.	43.	07/01/2014	62-2014
9-32-17-5.	Repealed.	178.	01/01/2015	217-2014
9-32-17-6.	Repealed.	179.	01/01/2015	217-2014

Title 10

10-11-2-26.	Amended.	51.	03/13/2014	2-2014
10-11-2-26.	Amended.	180.	01/01/2015	217-2014
10-11-2-31.1.	New.	3.	07/01/2014	180-2014
10-11-2-33.	New.	1.	07/01/2014	161-2014
10-13-3-21.	Amended.	1.	03/24/2014	38-2014
10-13-3-40.	Amended.	33.	07/01/2014	91-2014

[1] P.L.168-2014, SEC.126 stated the general assembly's intention to repeal IC 9-32-17-2 effective 1-1-2015.

[2] P.L.113-2014, SEC.130 stated the general assembly's intention to repeal IC 9-32-17-5 effective 1-1-2015.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
10-13-8-11.	Amended.	52.	03/13/2014	2-2014
10-13-8-13.	Amended.	53.	03/13/2014	2-2014
10-14-3-0.6.	New.	1.	07/01/2014	172-2014
10-14-3-0.7.	Repealed.	2.	07/01/2014	172-2014
10-14-3-0.8.	New.	3.	07/01/2014	172-2014
10-14-3-2.5.	New.	4.	07/01/2014	172-2014
10-14-3-22.5.	New.	5.	07/01/2014	172-2014
10-14-3-22.6.	New.	6.	07/01/2014	172-2014
10-14-3-29.	Amended.	7.	07/01/2014	172-2014
10-14-9-2.	Amended.	54.	03/13/2014	2-2014
10-17-1-6.	Amended.	1.	07/01/2014	136-2014
10-17-1-9.	Amended.	1.	07/01/2014	105-2014
10-17-12-8.	Amended.	1.	07/01/2014	7-2014
10-17-12.5.	New.	1.	07/01/2014	89-2014
10-17-13-5.	Amended.	1.	07/01/2014	4-2014
10-17-13-10.	Amended.	2.	07/01/2014	7-2014
10-17-14.	New.	2.	07/01/2014	105-2014
10-18-8-1.	Amended.	2.	07/01/2014	4-2014
10-19-4-2.	Amended.	1.	07/01/2014	29-2014
10-19-7-3.	Amended.	2.	07/01/2014	218-2014
10-19-7-4.	Repealed.	3.	07/01/2014	218-2014
10-19-7-5.	New.	1.	07/01/2014	188-2014
10-19-11.	New.	2.	01/01/2015	29-2014
10-21-1-1.	Amended.	6.	07/01/2014	40-2014
10-21-1-4.	Amended.	1.	07/01/2014	30-2014

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11-8-2-12.4.	Amended.	1.	07/01/2014	179-2014
11-8-8-4.5.	Amended.	20.	07/01/2014	168-2014
11-8-8-4.5.	Amended.	2.	07/01/2014	185-2014
11-8-8-5.	Amended.	21.	07/01/2014	168-2014
11-8-8-5.	Amended.	3.	07/01/2014	185-2014
11-8-8-15.	Amended.	22.	07/01/2014	168-2014
11-8-8-19.	Amended.	23.	07/01/2014	168-2014
11-9-1-2.	Amended.	2.	07/01/2014	179-2014
11-12-1-2.5.	Amended.	1.	07/01/2014	184-2014
11-12-1-2.5.	Amended.	1.	07/01/2014	158-2014
11-12-2-1.	Amended.	24.	07/01/2014	168-2014
11-12-2-4.	Amended.	1.	07/01/2014	24-2014
11-12-3.7-7.	Amended.	55.	03/13/2014	2-2014

Affected Provisions	Type	SEC.	Effective	P.L.
11-12-3.7-11.	Amended.	25.	07/01/2014	168-2014
11-12-3.8.	New.	2.	07/01/2014	184-2014
11-12-3.8.	Amended.	2.	07/01/2014	158-2014
11-13-1-9.	Amended.	2.	07/01/2014	24-2014
11-13-2-1.	Amended.	3.	07/01/2014	158-2014
11-13-2-1.	Amended.	3.	07/01/2014	184-2014
11-13-2-2.	Amended.	4.	07/01/2014	158-2014
11-13-2-2.	Amended.	4.	07/01/2014	184-2014
11-13-2-3.	Amended.	5.	07/01/2014	184-2014
11-13-2-3.	Amended.	5.	07/01/2014	158-2014
11-13-3-10.	Amended.	3.	07/01/2014	179-2014
11-14-1-5.	Amended.	26.	07/01/2014	168-2014

Title 12

12-7-2-22.	Amended.	1.	07/01/2014	145-2014
12-7-2-34.	Amended.	96.	03/24/2014	53-2014
12-7-2-35.	Amended.	56.	03/13/2014	2-2014
12-7-2-35.	Amended.	97.	03/24/2014	53-2014
12-7-2-44.6.	Amended.	2.	07/01/2014	145-2014
12-7-2-53.2.	Amended.	27.	07/01/2014	168-2014
12-7-2-67.5.	New.	1.	07/01/2014	131-2014
12-7-2-75.7.	Amended.	57.	03/13/2014	2-2014
12-7-2-76.	Amended.	3.	07/01/2014	145-2014
12-7-2-76.2.	Amended.	58.	03/13/2014	2-2014
12-7-2-76.3.	Amended.	59.	03/13/2014	2-2014
12-7-2-91.	Amended.	60.	03/13/2014	2-2014
12-7-2-93.7.	Amended.	61.	03/13/2014	2-2014
12-7-2-98.2.	New.	1.	07/01/2014	171-2014
12-7-2-118.3.	Repealed.	1.	03/25/2014	138-2014
12-7-2-132.5.	Repealed.	2.	03/25/2014	138-2014
12-7-2-135.8.	Amended.	62.	03/13/2014	2-2014
12-7-2-142.7.	Repealed.	3.	03/25/2014	138-2014
12-7-2-146.	Amended.	4.	07/01/2014	145-2014
12-7-2-146.	Amended.	63.	03/13/2014	2-2014
12-8-1.5-10.5.	New.	15.	03/25/2014	109-2014
12-8-6.5-3.	Repealed.	16.	03/25/2014	109-2014
12-8-6.5-4.	Amended.	17.	03/25/2014	109-2014
12-8-10-1.	Amended.	33.	07/01/2014	113-2014
12-8-10-9.	Amended.	34.	07/01/2014	113-2014
12-10-10.5.	New.	5.	07/01/2014	145-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
12-10-11.5-6.	Amended.	98.	03/24/2014	53-2014
12-11-7.	Repealed.	99.	03/24/2014	53-2014
12-11-13-13.	Amended.	100.	03/24/2014	53-2014
12-11-13-14.	Amended.	101.	03/24/2014	53-2014
12-12.7-2-19.	Amended.	102.	03/24/2014	53-2014
12-13-5-14.	Amended.	103.	03/24/2014	53-2014
12-14-29-2.	Amended.	6.	07/01/2014	184-2014
12-14-29-2.	Amended.	6.	07/01/2014	158-2014
12-14-29-3.	Amended.	7.	07/01/2014	158-2014
12-14-29-3.	Amended.	7.	07/01/2014	184-2014
12-14-29-4.	Amended.	8.	07/01/2014	158-2014
12-14-29-4.	Amended.	8.	07/01/2014	184-2014
12-14-29-6.	Amended.	9.	07/01/2014	184-2014
12-14-29-6.	Amended.	9.	07/01/2014	158-2014
12-14-29-7.	Amended.	10.	07/01/2014	158-2014
12-14-29-7.	Amended.	10.	07/01/2014	184-2014
12-15-1-1.	Amended.	18.	03/25/2014	109-2014
12-15-1.5-4.	Amended.	75.	07/01/2014	64-2014
12-15-5-12.	New.	1.	07/01/2014	108-2014
12-15-11-2.5.	Amended.	4.	07/01/2014	3-2014
12-15-12-14.	Repealed.	6.	03/25/2014	145-2014
12-15-12-19.	Amended.	104.	03/24/2014	53-2014
12-15-13-0.4.	Amended.	19.	03/25/2014	109-2014
12-15-16-7.	Amended.	64.	03/13/2014	2-2014
12-15-21-3.	Amended.	35.	07/01/2014	113-2014
12-15-35-28.	Amended.	105.	03/24/2014	53-2014
12-15-35-48.	Amended.	106.	03/24/2014	53-2014
12-15-35-51.	Amended.	107.	03/24/2014	53-2014
12-15-35-51.	Amended.	65.	03/13/2014	2-2014
12-16.5-3-1.	Amended.	108.	03/24/2014	53-2014
12-17.2-2-14.	Repealed.	66.	03/13/2014	2-2014
12-17.2-2-14.	Repealed.	67.	03/13/2014	2-2014
12-17.2-2-14.2.	New.	68.	03/13/2014	2-2014
12-17.2-2-14.4.	New.	69.	03/13/2014	2-2014
12-17.2-2.5-6.	Amended.	109.	03/24/2014	53-2014
12-17.2-3.3.	Repealed.	110.	03/24/2014	53-2014
12-17.2-3.5-4.	Amended.	2.	07/01/2014	171-2014
12-17.2-3.5-5.	Amended.	3.	07/01/2014	171-2014
12-17.2-3.5-5.5.	Amended.	4.	07/01/2014	171-2014
12-17.2-3.5-8.	Amended.	5.	07/01/2014	171-2014
12-17.2-3.5-8.5.	New.	6.	07/01/2014	171-2014

Affected Provisions	Type	SEC.	Effective	P.L.
12-17.2-3.5-9.	Amended.	7.	07/01/2014	171-2014
12-17.2-3.5-16.	Amended.	8.	07/01/2014	171-2014
12-17.2-3.5-19.	New.	9.	07/01/2014	171-2014
12-17.2-3.6.	New.	70.	03/13/2014	2-2014
12-17.2-3.7.	Repealed.	72.	03/13/2014	2-2014
12-17.2-3.7.	Repealed.	71.	03/13/2014	2-2014
12-17.2-3.8.	New.	73.	03/13/2014	2-2014
12-17.2-6-14.	Amended.	28.	07/01/2014	168-2014
12-17.2-7.2.	New.	2.	07/01/2014	202-2014
12-17.6-2-7.	Amended.	111.	03/24/2014	53-2014
12-17.6-2-12.	Amended.	112.	03/24/2014	53-2014
12-21-6.5.	Repealed.	113.	03/24/2014	53-2014
12-23-1-11.	Amended.	36.	07/01/2014	113-2014
12-23-6.	Repealed.	37.	07/01/2014	113-2014
12-23-7.	Repealed.	38.	07/01/2014	113-2014
12-23-8.	Repealed.	39.	07/01/2014	113-2014
12-23-9-4.	Amended.	40.	07/01/2014	113-2014
12-23-10.	Repealed.	41.	07/01/2014	113-2014
12-23-11.	Repealed.	42.	07/01/2014	113-2014
12-23-18-2.5.	Amended.	2.	07/01/2014	131-2014
12-23-18-5.	Amended.	3.	07/01/2014	131-2014
12-23-18-7.	New.	4.	07/01/2014	131-2014
12-23-18-8.	New.	5.	07/01/2014	131-2014
12-24-3-2.	Amended.	29.	07/01/2014	168-2014
12-24-12-10.	Amended.	43.	07/01/2014	113-2014
12-29-2-2.	Amended.	18.	07/01/2014	153-2014
12-29-2-2.	Amended.	74.	03/13/2014	2-2014
12-31	Repealed.	4.	03/25/2014	138-2014

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13-11-2-40.	Amended.	44.	07/01/2014	113-2014
13-11-2-46.	Repealed.	114.	03/24/2014	53-2014
13-11-2-56.	Repealed.	45.	07/01/2014	113-2014
13-11-2-57.	Amended.	4.	07/01/2014	220-2014
13-11-2-57.2.	New.	5.	07/01/2014	220-2014
13-11-2-70.	Repealed.	46.	07/01/2014	113-2014
13-11-2-74.	Amended.	6.	03/24/2014	77-2014
13-11-2-74.5.	Amended.	47.	07/01/2014	113-2014
13-11-2-85.3.	New.	1.	07/01/2014	126-2014
13-11-2-96.	Amended.	48.	07/01/2014	113-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
13-11-2-98.	Amended.	49.	07/01/2014	113-2014
13-11-2-99.	Amended.	6.	07/01/2014	220-2014
13-11-2-115.5.	Repealed.	50.	07/01/2014	113-2014
13-11-2-119.	Amended.	51.	07/01/2014	113-2014
13-11-2-130.1.	Amended.	85.	01/01/2015	221-2014
13-11-2-133.	Amended.	2.	07/01/2014	126-2014
13-11-2-149.5.	Amended.	115.	03/24/2014	53-2014
13-11-2-149.6.	Amended.	52.	07/01/2014	113-2014
13-11-2-151.6.	Amended.	116.	03/24/2014	53-2014
13-11-2-152.	Repealed.	53.	07/01/2014	113-2014
13-11-2-158.	Amended.	3.	03/25/2014	126-2014
13-11-2-158.	Amended.	54.	07/01/2014	113-2014
13-11-2-174.	Repealed.	55.	07/01/2014	113-2014
13-11-2-179.5.	New.	4.	07/01/2014	126-2014
13-11-2-179.6.	New.	5.	07/01/2014	126-2014
13-11-2-179.7.	New.	6.	07/01/2014	126-2014
13-11-2-179.9.	Amended.	7.	07/01/2014	126-2014
13-11-2-183.	Amended.	56.	07/01/2014	113-2014
13-11-2-202.8.	New.	8.	07/01/2014	126-2014
13-11-2-204.2.	New.	117.	03/24/2014	53-2014
13-11-2-205.	Amended.	57.	07/01/2014	113-2014
13-11-2-232.8.	New.	7.	07/01/2014	220-2014
13-11-2-234.	Repealed.	58.	07/01/2014	113-2014
13-11-2-236.	Repealed.	59.	07/01/2014	113-2014
13-11-2-237.	Repealed.	60.	07/01/2014	113-2014
13-11-2-241.	Amended.	1.	07/01/2014	6-2014
13-11-2-241.	Amended.	61.	07/01/2014	113-2014
13-13-7.	Repealed.	118.	03/24/2014	53-2014
[1] 13-13-7-9.	Amended.	3.	07/01/2014	79-2014
13-13-7.1.	New.	119.	03/24/2014	53-2014
13-14-1-15.	Amended.	4.	07/01/2014	180-2014
13-14-2-9.	New.	8.	07/01/2014	220-2014
13-14-8-0.3.	Amended.	62.	07/01/2014	113-2014
13-14-8-11.6.	Amended.	63.	07/01/2014	113-2014
13-15-4-1.	Amended.	64.	07/01/2014	113-2014
13-15-4-19.	Amended.	120.	03/24/2014	53-2014
13-15-6-6.	Amended.	65.	07/01/2014	113-2014

[1] IC 2-5-1.3-16 (P.L.53-2014, SEC.6) stated the general assembly's intention to repeal IC 13-13-7.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
13-15-7-1.	Amended.	66.	07/01/2014	113-2014
13-15-11-5.	Amended.	121.	03/24/2014	53-2014
13-15-11-6.	Amended.	122.	03/24/2014	53-2014
13-15-12-1.	Amended.	67.	07/01/2014	113-2014
13-16-1-2.	Amended.	68.	07/01/2014	113-2014
13-16-1-6.	Amended.	69.	07/01/2014	113-2014
13-17-3-4.	Amended.	4.	07/01/2014	79-2014
13-17-13-3.	Amended.	123.	03/24/2014	53-2014
13-18-3-2.	Amended.	124.	03/24/2014	53-2014
13-18-3-12.	Amended.	70.	07/01/2014	113-2014
13-18-3-14.	Amended.	125.	03/24/2014	53-2014
13-18-9-3.	Amended.	71.	07/01/2014	113-2014
13-18-10-1.	Amended.	1.	07/01/2014	199-2014
13-18-10-2.	Amended.	2.	07/01/2014	199-2014
13-18-10-2.1.	Amended.	3.	07/01/2014	199-2014
13-18-10-2.2.	Amended.	4.	07/01/2014	199-2014
13-18-10-2.3.	Repealed.	5.	07/01/2014	199-2014
13-18-10.5-3.	New.	6.	07/01/2014	199-2014
13-18-17-5.	Amended.	72.	07/01/2014	113-2014
13-20-4-16.	Amended.	73.	07/01/2014	113-2014
13-20-6-9.	Amended.	74.	07/01/2014	113-2014
13-20-10-1.	Amended.	7.	07/01/2014	199-2014
13-20-10-2.	Amended.	8.	07/01/2014	199-2014
13-20-10-3.	Amended.	9.	07/01/2014	199-2014
13-20-10-4.	Amended.	10.	07/01/2014	199-2014
13-20-10-5.	Amended.	11.	07/01/2014	199-2014
13-20-10-6.	Amended.	12.	07/01/2014	199-2014
13-20-10-7.	Amended.	13.	07/01/2014	199-2014
13-20-10-8.	Amended.	14.	07/01/2014	199-2014
13-20-11-2.	Amended.	75.	07/01/2014	113-2014
13-20-17.7-2.	Amended.	126.	03/24/2014	53-2014
13-20-22-1.	Amended.	9.	07/01/2014	220-2014
13-20-22-4.	Repealed.	10.	07/01/2014	220-2014
13-20-22-5.	Repealed.	11.	07/01/2014	220-2014
13-20-22-6.	Repealed.	12.	07/01/2014	220-2014
13-20-22-7.	Repealed.	13.	07/01/2014	220-2014
13-20-22-8.	Repealed.	14.	07/01/2014	220-2014
13-20-22-9.	Repealed.	15.	07/01/2014	220-2014
13-20-22-10.	Repealed.	16.	07/01/2014	220-2014
13-20-22-11.	Amended.	17.	07/01/2014	220-2014
13-20-22-12.	Amended.	18.	07/01/2014	220-2014

Affected Provisions	Type	SEC.	Effective	P.L.
13-20-22-17.	Repealed.	19.	07/01/2014	220-2014
13-20-22-19.	Amended.	20.	07/01/2014	220-2014
13-20-22-20.	Repealed.	21.	07/01/2014	220-2014
13-20-25.	New.	9.	03/25/2014	126-2014
13-20.5-7-4.	Amended.	127.	03/24/2014	53-2014
13-22-3-2.	Amended.	76.	07/01/2014	113-2014
13-22-12-1.	Amended.	22.	07/01/2014	220-2014
13-22-12-3.5.	New.	23.	07/01/2014	220-2014
13-22-12-3.6.	New.	24.	07/01/2014	220-2014
13-22-12-13.	Amended.	25.	07/01/2014	220-2014
13-23-4-7.	Amended.	2.	07/01/2014	6-2014
13-23-5-3.	Amended.	77.	07/01/2014	113-2014
13-23-11-2.	Amended.	78.	07/01/2014	113-2014
13-23-11-6.	Amended.	79.	07/01/2014	113-2014
13-23-11-7.	Amended.	80.	07/01/2014	113-2014
13-23-12-1.	Amended.	3.	07/01/2014	6-2014
13-23-12-2.	Amended.	26.	07/01/2014	220-2014
13-23-12-3.	Amended.	27.	07/01/2014	220-2014
13-23-12-4.	Amended.	28.	07/01/2014	220-2014
13-23-12-5.	Repealed.	29.	07/01/2014	220-2014
13-23-12-6.	Repealed.	30.	07/01/2014	220-2014
13-23-13-6.	Amended.	31.	07/01/2014	220-2014
13-25-3.	Repealed.	81.	07/01/2014	113-2014
13-25-4-1.	Amended.	32.	07/01/2014	220-2014
13-25-4-2.	Amended.	33.	07/01/2014	220-2014
13-25-4-24.	Amended.	34.	07/01/2014	220-2014
13-26-4-6.	Amended.	1.	07/01/2014	211-2014
13-26-4-7.	Amended.	82.	07/01/2014	113-2014
13-26-5-4.	Amended.	83.	07/01/2014	113-2014
13-27-7-2.	Amended.	84.	07/01/2014	113-2014
13-28-3-2.	Amended.	128.	03/24/2014	53-2014
13-28-3-3.	Amended.	129.	03/24/2014	53-2014
13-28-4-2.	Amended.	85.	07/01/2014	113-2014
13-28-4-11.	Amended.	130.	03/24/2014	53-2014
13-30-4-3.	Amended.	86.	07/01/2014	113-2014

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14-8-2-5.7.	Amended.	5.	07/01/2014	219-2014
14-8-2-27.	Amended.	6.	07/01/2014	219-2014
14-8-2-49.2.	Amended.	7.	07/01/2014	219-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
14-8-2-49.2.	Amended.	87.	07/01/2014	113-2014
14-8-2-86.5.	Repealed.	8.	07/01/2014	219-2014
14-8-2-86.5.	Repealed.	88.	07/01/2014	113-2014
14-8-2-107.	Amended.	89.	07/01/2014	113-2014
14-8-2-107.	Amended.	9.	07/01/2014	219-2014
14-8-2-117.	Amended.	90.	07/01/2014	113-2014
14-8-2-117.	Amended.	10.	07/01/2014	219-2014
14-8-2-118.5.	New.	11.	07/01/2014	219-2014
14-8-2-199.	Amended.	1.	07/01/2014	214-2014
14-8-2-203.	Amended.	12.	07/01/2014	219-2014
14-8-2-203.	Amended.	91.	07/01/2014	113-2014
14-8-2-233.5.	Amended.	13.	07/01/2014	219-2014
14-8-2-239.5.	Repealed.	92.	07/01/2014	113-2014
14-8-2-239.5.	Repealed.	14.	07/01/2014	219-2014
14-8-2-242.5.	Repealed.	93.	07/01/2014	113-2014
14-8-2-242.5.	Repealed.	15.	07/01/2014	219-2014
14-8-2-265.	Amended.	94.	07/01/2014	113-2014
14-8-2-265.	Amended.	16.	07/01/2014	219-2014
14-9-5-4.	Amended.	75.	03/13/2014	2-2014
14-9-9-5.	Amended.	17.	07/01/2014	219-2014
14-9-9-6.	Amended.	18.	07/01/2014	219-2014
14-9-9-7.	Amended.	19.	07/01/2014	219-2014
14-9-9-8.	Amended.	20.	07/01/2014	219-2014
14-9-9-10.	Amended.	21.	07/01/2014	219-2014
14-11-3-4.	Amended.	1.	07/01/2014	123-2014
14-13-1-42.	New.	1.	07/01/2014	27-2014
14-15-2-4.	Amended.	2.	07/01/2014	195-2014
14-15-2-7.	Amended.	95.	07/01/2014	113-2014
14-15-2-15.	Amended.	3.	07/01/2014	195-2014
14-15-3-21.	Repealed.	4.	07/01/2014	195-2014
14-15-3-31.	Amended.	5.	07/01/2014	195-2014
14-15-4-4.	Amended.	6.	07/01/2014	195-2014
14-15-5-3.	Amended.	7.	07/01/2014	195-2014
14-15-6-10.	Amended.	8.	07/01/2014	195-2014
14-15-7-6.	Repealed.	9.	07/01/2014	195-2014
14-15-9-8.	Amended.	10.	07/01/2014	195-2014
14-15-11-11.	Amended.	181.	01/01/2015	217-2014
14-15-11-14.	Amended.	182.	01/01/2015	217-2014
14-15-13-4.	Amended.	11.	07/01/2014	195-2014
14-16-1-29.	Amended.	12.	07/01/2014	195-2014
14-18-2-3.	Amended.	6.	07/01/2014	70-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
14-19-1-0.5.	Amended.	86.	01/01/2015	221-2014
14-19-10.3.	New.	22.	07/01/2014	219-2014
14-20-15-1.	Repealed.	7.	07/01/2014	203-2014
14-20-15-2.	Amended.	8.	07/01/2014	203-2014
14-20-15-3.	Amended.	9.	07/01/2014	203-2014
14-20-15-4.	Amended.	10.	07/01/2014	203-2014
14-20-15-5.	Amended.	11.	07/01/2014	203-2014
14-20-15-6.	Amended.	12.	07/01/2014	203-2014
14-20-15-8.	Repealed.	13.	07/01/2014	203-2014
14-20-15-9.	Amended.	14.	07/01/2014	203-2014
14-20-15-13.	Amended.	15.	07/01/2014	203-2014
14-21-1-16.	Amended.	13.	07/01/2014	195-2014
14-21-2-5.	Amended.	14.	07/01/2014	195-2014
14-21-3-3.	Amended.	15.	07/01/2014	195-2014
14-22-6-13.	Amended.	23.	07/01/2014	219-2014
14-22-9-11.	Amended.	24.	07/01/2014	219-2014
14-22-10-6.	Amended.	25.	07/01/2014	219-2014
14-22-11-1.	Amended.	1.	07/01/2014	194-2014
14-22-11-5.	Amended.	1.	07/01/2014	204-2014
14-22-12-1.8.	New.	2.	07/01/2014	204-2014
14-22-12-7.	Repealed.	76.	03/13/2014	2-2014
14-22-12-7.3.	New.	26.	07/01/2014	219-2014
14-22-24.5.	New.	27.	07/01/2014	219-2014
14-22-28-1.	Amended.	28.	07/01/2014	219-2014
14-22-28-4.	Amended.	29.	07/01/2014	219-2014
14-22-31-6.	Repealed.	30.	07/01/2014	219-2014
14-22-38-1.	Amended.	16.	07/01/2014	195-2014
14-22-38-4.	Amended.	17.	07/01/2014	195-2014
14-22-38-6.	Amended.	31.	07/01/2014	219-2014
14-24-4.5.	Repealed.	32.	07/01/2014	219-2014
14-24-4.5.	Repealed.	96.	07/01/2014	113-2014
14-24-6-7.	Amended.	18.	07/01/2014	195-2014
14-24-7-6.	New.	19.	07/01/2014	195-2014
14-24-9-4.	New.	20.	07/01/2014	195-2014
14-24-11-4.	Amended.	21.	07/01/2014	195-2014
14-24-12-10.	New.	22.	07/01/2014	195-2014
14-25-3-9.	Amended.	97.	07/01/2014	113-2014
14-25-3-18.	Amended.	23.	07/01/2014	195-2014
14-25-4-5.	Amended.	98.	07/01/2014	113-2014
14-25-4-16.	Amended.	24.	07/01/2014	195-2014
14-25-5-15.	Amended.	25.	07/01/2014	195-2014

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14-25-6-6.	Amended.	26.	07/01/2014	195-2014
14-25-7-16.	Amended.	131.	03/24/2014	53-2014
14-25.5-3-2.	Amended.	27.	07/01/2014	195-2014
14-25.5-4-3.	Amended.	28.	07/01/2014	195-2014
14-25.5-4-4.	Amended.	29.	07/01/2014	195-2014
14-25.5-4-5.	Amended.	30.	07/01/2014	195-2014
14-25.5-4-6.	Repealed.	31.	07/01/2014	195-2014
14-26-2-21.	Amended.	32.	07/01/2014	195-2014
14-26-2-22.	Amended.	33.	07/01/2014	195-2014
14-26-7-8.	Amended.	34.	07/01/2014	195-2014
14-27-3-19.	Amended.	1.	07/01/2014	118-2014
14-27-6-52.	Repealed.	35.	07/01/2014	195-2014
14-28-1-22.	Amended.	33.	07/01/2014	219-2014
14-28-1-34.	Amended.	34.	07/01/2014	219-2014
14-28-1-37.	New.	2.	07/01/2014	214-2014
14-28-1-38.	New.	3.	07/01/2014	214-2014
14-29-4-9.	Amended.	36.	07/01/2014	195-2014
14-33-6-4.	Amended.	99.	07/01/2014	113-2014
14-36-1-37.	Amended.	37.	07/01/2014	195-2014
14-37-4-15.	New.	38.	07/01/2014	195-2014
14-37-7-9.	New.	39.	07/01/2014	195-2014
14-37-8-1.	Amended.	40.	07/01/2014	195-2014
14-37-8-18.	New.	41.	07/01/2014	195-2014
14-37-10-3.	Amended.	42.	07/01/2014	195-2014
14-37-11-4.	New.	43.	07/01/2014	195-2014
14-37-13-3.	Amended.	44.	07/01/2014	195-2014
14-37-13-6.	Repealed.	45.	07/01/2014	195-2014
14-38-2-21.	Repealed.	46.	07/01/2014	195-2014
14-38-2-22.	New.	47.	07/01/2014	195-2014

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15-11-2-6.	Amended.	1.	07/01/2014	25-2014
15-11-12.	New.	1.	07/01/2014	173-2014
15-13-6-5.	Amended.	132.	03/24/2014	53-2014
15-15-1-40.	Amended.	1.	07/01/2014	17-2014
15-15-13.	New.	1.	03/26/2014	165-2014
15-16-2-36.	Amended.	2.	03/26/2014	165-2014
15-16-10-4.	Amended.	133.	03/24/2014	53-2014
15-17-17-5.	Amended.	1.	07/01/2014	186-2014
15-18-1-7.	Amended.	2.	07/01/2014	186-2014

Affected Provisions	Type	SEC.	Effective	P.L.
15-18-1-9.	Amended.	3.	07/01/2014	186-2014
15-18-1-11.	Amended.	4.	07/01/2014	186-2014
15-18-1-12.	Amended.	5.	07/01/2014	186-2014
15-18-1-13.	Amended.	6.	07/01/2014	186-2014
15-18-1-14.	Amended.	7.	07/01/2014	186-2014
15-18-1-16.	Amended.	8.	07/01/2014	186-2014
15-18-1-17.	Amended.	9.	07/01/2014	186-2014
15-18-1-20.	Amended.	10.	07/01/2014	186-2014
15-18-1-22.	Amended.	11.	07/01/2014	186-2014
15-18-2-9.	Amended.	12.	07/01/2014	186-2014
15-18-2-13.	Amended.	13.	07/01/2014	186-2014
15-18-2-17.	Amended.	14.	07/01/2014	186-2014
15-18-2-19.	Amended.	15.	07/01/2014	186-2014
15-18-2-20.	Amended.	16.	07/01/2014	186-2014
15-18-2-21.	Amended.	17.	07/01/2014	186-2014
15-18-2-27.	Repealed.	18.	07/01/2014	186-2014
15-20-2-3.	Repealed.	1.	07/01/2014	60-2014
15-20-2-4.	Repealed.	2.	07/01/2014	60-2014
15-20-2-5.	Repealed.	3.	07/01/2014	60-2014
15-20-2-6.	Repealed.	4.	07/01/2014	60-2014
15-20-2-7.	Repealed.	5.	07/01/2014	60-2014

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16-18-2-28.	Repealed.	3.	01/01/2015	29-2014
16-18-2-28.5.	Amended.	1.	07/01/2014	86-2014
16-18-2-35.8.	New.	1.	07/01/2014	96-2014
16-18-2-36.2.	New.	2.	07/01/2014	96-2014
16-18-2-36.5.	Amended.	5.	03/25/2014	138-2014
16-18-2-45.	Repealed.	4.	01/01/2015	29-2014
16-18-2-84.	Amended.	1.	07/01/2014	141-2014
16-18-2-88.5.	New.	4.	07/01/2014	156-2014
16-18-2-97.	Amended.	2.	07/01/2014	161-2014
16-18-2-116.4.	New.	100.	07/01/2014	113-2014
16-18-2-117.5.	New.	3.	07/01/2014	161-2014
16-18-2-147.	Repealed.	5.	01/01/2015	29-2014
16-18-2-161.	Amended.	1.	07/01/2014	127-2014
16-18-2-163.	Amended.	1.	07/01/2014	139-2014
16-18-2-191.2.	New.	3.	07/01/2014	96-2014
16-18-2-199.	Amended.	6.	07/01/2014	131-2014
16-18-2-237.1.	New.	2.	07/01/2014	127-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
16-18-2-244.8.	New.	1.	03/25/2014	110-2014
16-18-2-263.9.	New.	5.	03/26/2014	156-2014
16-18-2-277.	Amended.	3.	07/01/2014	127-2014
16-18-2-287.6.	New.	6.	03/25/2014	138-2014
16-18-2-288.	Amended.	4.	07/01/2014	96-2014
16-18-2-294.	Repealed.	6.	01/01/2015	29-2014
16-18-2-295.	Amended.	4.	07/01/2014	161-2014
16-18-2-321.5.	New.	5.	07/01/2014	161-2014
16-18-2-326.5.	New.	6.	07/01/2014	161-2014
16-18-2-328.3.	New.	7.	07/01/2014	161-2014
16-18-2-328.4.	New.	8.	07/01/2014	161-2014
16-18-2-334.	Repealed.	7.	01/01/2015	29-2014
16-18-2-335.	Repealed.	8.	01/01/2015	29-2014
16-18-2-336.	Repealed.	9.	01/01/2015	29-2014
16-18-2-362.	Repealed.	10.	01/01/2015	29-2014
16-18-2-365.5.	Repealed.	9.	07/01/2014	161-2014
16-18-2-372.	Repealed.	101.	07/01/2014	113-2014
16-19-3-4.	Amended.	102.	07/01/2014	113-2014
16-19-3-26.	Amended.	2.	03/25/2014	86-2014
16-19-13-7.	New.	6.	07/01/2014	156-2014
16-19-14-7.	Amended.	2.	03/25/2014	141-2014
16-19-15.	Repealed.	3.	07/01/2014	141-2014
16-19-16.	New.	2.	03/25/2014	110-2014
16-21-1-7.	Amended.	4.	07/01/2014	141-2014
16-21-1-10.	Amended.	5.	07/01/2014	141-2014
16-21-2-2.6.	New.	1.	07/01/2014	98-2014
16-21-2-4.	Repealed.	6.	07/01/2014	141-2014
16-21-7.5.	Repealed.	7.	03/25/2014	138-2014
16-21-8-0.1.	Repealed.	10.	07/01/2014	161-2014
16-21-8-0.2.	New.	11.	07/01/2014	161-2014
16-21-8-0.3.	Repealed.	12.	07/01/2014	161-2014
16-21-8-0.5.	Repealed.	13.	07/01/2014	161-2014
16-21-8-0.6.	Repealed.	14.	07/01/2014	161-2014
16-21-8-0.7.	Repealed.	15.	07/01/2014	161-2014
16-21-8-0.8.	Repealed.	16.	07/01/2014	161-2014
16-21-8-0.9.	Repealed.	17.	07/01/2014	161-2014
16-21-8-1.	Amended.	18.	07/01/2014	161-2014
16-21-8-1.1.	New.	19.	07/01/2014	161-2014
16-21-10-7.	Amended.	77.	03/13/2014	2-2014
16-21-11.	New.	4.	10/01/2014	127-2014
16-21-11.2.	New.	8.	03/25/2014	138-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
16-25-3-2.5.	Repealed.	7.	07/01/2014	141-2014
16-27-0.5-9.	Amended.	8.	07/01/2014	141-2014
16-28-1-7.	Amended.	9.	07/01/2014	141-2014
16-28-1-9.	Repealed.	10.	07/01/2014	141-2014
16-28-1-12.	Repealed.	11.	07/01/2014	141-2014
16-28-1-13.	Amended.	12.	07/01/2014	141-2014
16-28-10-1.	Amended.	13.	07/01/2014	141-2014
16-28-15-13.	Amended.	134.	03/24/2014	53-2014
16-29-4-3.	Amended.	14.	07/01/2014	141-2014
16-29-4-4.	Amended.	15.	07/01/2014	141-2014
16-29-6-8.	Repealed.	135.	03/24/2014	53-2014
16-31-2-8.	Amended.	2.	07/01/2014	188-2014
16-31-2-9.	Amended.	7.	03/26/2014	156-2014
16-31-2-9.	Amended.	3.	07/01/2014	164-2014
16-31-3-14.	Amended.	30.	07/01/2014	168-2014
16-31-3-23.5.	New.	8.	03/26/2014	156-2014
16-31-6-2.5.	New.	9.	03/26/2014	156-2014
16-34-2-1.1.	Amended.	2.	07/01/2014	98-2014
16-34-2-4.5.	Amended.	3.	07/01/2014	98-2014
16-36-6-7.	Amended.	16.	07/01/2014	141-2014
16-36-6-20.	Amended.	78.	03/13/2014	2-2014
16-37-2-4.	Amended.	17.	07/01/2014	141-2014
16-37-2-5.	Amended.	18.	07/01/2014	141-2014
16-38-4-1.	Amended.	19.	07/01/2014	141-2014
16-38-4-8.	Amended.	20.	07/01/2014	141-2014
16-38-4-9.	Amended.	21.	07/01/2014	141-2014
16-38-5-2.	Amended.	79.	03/13/2014	2-2014
16-38-5-3.	Amended.	10.	07/01/2014	171-2014
16-39-2-8.	Amended.	7.	07/01/2014	131-2014
16-39-4-2.	Amended.	1.	07/01/2014	41-2014
16-39-4-3.	Amended.	2.	07/01/2014	41-2014
16-41-12-15.	Amended.	31.	07/01/2014	168-2014
16-41-21-2.	Amended.	103.	07/01/2014	113-2014
16-41-24-6.	Amended.	104.	07/01/2014	113-2014
16-41-26-8.	Amended.	105.	07/01/2014	113-2014
16-41-27-8.	Amended.	106.	07/01/2014	113-2014
16-41-27-10.	Amended.	107.	07/01/2014	113-2014
16-41-27-16.	Amended.	1.	07/01/2014	182-2014
16-41-27-22.	Amended.	108.	07/01/2014	113-2014
16-41-27-25.	Amended.	109.	07/01/2014	113-2014
16-41-35-1.	Amended.	11.	01/01/2015	29-2014

Affected Provisions	Type	SEC.	Effective	P.L.
16-41-35-3.	Repealed.	12.	01/01/2015	29-2014
16-41-35-4.	Repealed.	13.	01/01/2015	29-2014
16-41-35-6.	Repealed.	14.	01/01/2015	29-2014
16-41-35-7.	Repealed.	15.	01/01/2015	29-2014
16-41-35-11.	Repealed.	16.	01/01/2015	29-2014
16-41-35-12.	Repealed.	17.	01/01/2015	29-2014
16-41-35-13.	Repealed.	18.	01/01/2015	29-2014
16-41-35-15.	Repealed.	19.	01/01/2015	29-2014
16-41-35-26.	Amended.	20.	01/01/2015	29-2014
16-41-35-27.	Repealed.	21.	01/01/2015	29-2014
16-41-35-28.	Amended.	22.	01/01/2015	29-2014
16-41-35-33.	Amended.	23.	01/01/2015	29-2014
16-41-35-38.	Amended.	110.	07/01/2014	113-2014
16-41-35-39.	Repealed.	24.	01/01/2015	29-2014
16-41-35-40.	Amended.	25.	01/01/2015	29-2014
16-41-35-42.	Amended.	26.	01/01/2015	29-2014
16-41-42.2-4.	Amended.	22.	07/01/2014	141-2014
16-42-5-29.	Amended.	1.	07/01/2014	154-2014
16-42-11-9.5.	Amended.	2.	07/01/2014	154-2014
16-42-19-29.	New.	8.	07/01/2014	131-2014
16-42-22-8.	Amended.	5.	07/01/2014	96-2014
16-42-25.	New.	6.	07/01/2014	96-2014
16-49-2-7.	Amended.	80.	03/13/2014	2-2014
16-49-3-7.	Amended.	81.	03/13/2014	2-2014

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20-18-2-22.	Amended.	1.	07/01/2014	43-2014
20-19-2-12.	Amended.	4.	07/01/2014	218-2014
20-19-2-14.5.	Amended.	1.	03/24/2014	31-2014
20-19-3-9.4.	Amended.	2.	07/01/2014	43-2014
20-19-3-14.	New.	1.	07/01/2014	36-2014
20-19-6-9.	New.	1.	03/24/2014	49-2014
20-20-8-3.	Amended.	3.	07/01/2014	43-2014
20-20-38-5.	Amended.	1.	07/01/2014	75-2014
20-23-5-8.	Amended.	82.	03/13/2014	2-2014
20-24-1-2.3.	New.	1.	07/01/2014	47-2014
20-24-2.1-5.	Repealed.	2.	07/01/2014	47-2014
20-24-2.3-2.	Amended.	7.	03/24/2014	77-2014
20-24-3-17.	Amended.	1.	07/01/2014	35-2014
20-24-3-18.5.	New.	3.	07/01/2014	47-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
20-24-4-1.	Amended.	1.	07/01/2014	33-2014
20-24-4-1.	Amended.	4.	07/01/2014	47-2014
20-24-5-5.	Amended.	2.	07/01/2014	35-2014
20-24-7-1.	Amended.	3.	03/24/2014	35-2014
20-24-7-4.	Amended.	5.	07/01/2014	47-2014
20-24-7-13.5.	Amended.	6.	07/01/2014	47-2014
20-24-7-14.	New.	7.	07/01/2014	47-2014
20-24-8-9.	New.	2.	03/24/2014	38-2014
20-24-9-1.	Amended.	2.	07/01/2014	33-2014
20-24-9-2.	Amended.	3.	07/01/2014	33-2014
20-24.2-4-2.	Amended.	1.	07/01/2014	46-2014
20-24.2-6-1.	Repealed.	136.	03/24/2014	53-2014
20-25.5.	New.	1.	03/24/2014	44-2014
20-26-5-4.	Amended.	83.	03/13/2014	2-2014
20-26-5-6.	Amended.	111.	07/01/2014	113-2014
20-26-7-1.	Amended.	4.	07/01/2014	33-2014
20-26-11-22.	Amended.	84.	03/13/2014	2-2014
20-26-11-32.	Amended.	1.	07/01/2013	39-2014
20-26-18.2-1.	Amended.	2.	07/01/2014	30-2014
20-27-3-5.	Amended.	1.	03/24/2014	42-2014
20-27-7-13.	Amended.	2.	07/01/2014	42-2014
20-27-7-14.5.	New.	3.	07/01/2014	42-2014
20-27-8-4.	Amended.	4.	07/01/2014	42-2014
20-28-3-0.5.	New.	1.	03/26/2014	192-2014
20-28-3-1.	Amended.	2.	07/01/2014	192-2014
20-28-4-4.	Amended.	3.	07/01/2014	192-2014
20-28-4-5.	Amended.	4.	07/01/2014	192-2014
20-28-5-8.	Amended.	32.	07/01/2014	168-2014
20-28-7.5-8.	Amended.	4.	07/01/2014	43-2014
20-28-11.5-9.	Amended.	5.	07/01/2014	192-2014
20-30-5-20.	New.	2.	07/01/2014	139-2014
20-30-10-4.	Amended.	2.	07/01/2014	49-2014
20-30-10-5.	New.	2.	07/01/2014	46-2014
20-31-8-5.	Repealed.	85.	03/13/2014	2-2014
20-31-8-5.	Repealed.	86.	03/13/2014	2-2014
20-31-8-5.2.	New.	87.	03/13/2014	2-2014
20-31-8-5.2.	Amended.	8.	07/01/2014	47-2014
20-31-8-5.4.	New.	88.	03/13/2014	2-2014
20-31-8-7.	New.	4.	07/01/2014	35-2014
20-31-9-9.	New.	5.	07/01/2014	33-2014
20-31-9.5-7.	Amended.	6.	07/01/2014	33-2014

Affected Provisions	Type	SEC.	Effective	P.L.
20-32-5-12.	Amended.	5.	07/01/2014	43-2014
20-32-5-13.5.	New.	6.	07/01/2014	43-2014
20-33-2-13.	Amended.	7.	07/01/2014	43-2014
20-33-2-17.7.	New.	1.	07/01/2014	32-2014
20-33-2-46.	Amended.	3.	07/01/2014	41-2014
20-33-3-1.	Amended.	1.	07/01/2014	121-2014
20-33-3-6.	Amended.	89.	03/13/2014	2-2014
20-33-3-16.	Amended.	2.	07/01/2014	121-2014
20-33-3-28.	Amended.	3.	03/25/2014	121-2014
20-33-3-31.	Amended.	90.	03/13/2014	2-2014
20-33-3-35.	Amended.	4.	03/25/2014	121-2014
20-33-5-7.5.	New.	1.	03/24/2014	37-2014
20-34-4.5.	New.	1.	07/01/2014	92-2014
20-34-7-1.5.	New.	1.	07/01/2014	34-2014
20-34-7-5.	Amended.	2.	07/01/2014	34-2014
20-34-7-6.	New.	3.	07/01/2014	34-2014
20-34-8.	New.	3.	07/01/2014	139-2014
20-35-5-1.	Amended.	3.	03/24/2014	38-2014
20-35-5-2.	Amended.	4.	03/24/2014	38-2014
20-35-5-3.	Amended.	5.	03/24/2014	38-2014
20-35-5-4.	Amended.	6.	03/24/2014	38-2014
20-35-5-5.	Amended.	7.	03/24/2014	38-2014
20-35-5-6.	Amended.	8.	03/24/2014	38-2014
20-35-5-7.	Amended.	9.	03/24/2014	38-2014
20-35-5-14.	Amended.	10.	03/24/2014	38-2014
20-43-13-3.	Amended.	2.	03/24/2014	37-2014
20-46-1-8.	Amended.	1.	07/01/2014	155-2014
20-46-1-8.	Amended.	40.	07/01/2014	166-2014
20-46-1-10.	Amended.	2.	07/01/2014	155-2014
20-46-1-13.	Amended.	41.	07/01/2014	166-2014
20-46-1-13.	Amended.	3.	07/01/2014	155-2014
20-46-1-14.	Amended.	4.	07/01/2014	155-2014
20-46-1-14.	Amended.	42.	07/01/2014	166-2014
20-46-1-19.	Amended.	5.	03/26/2014	155-2014
20-48-1-13.	New.	2.	07/01/2014	140-2014
20-49-3-8.	Amended.	7.	07/01/2014	40-2014
20-49-4-1.	Amended.	8.	07/01/2014	40-2014
20-49-4-7.	Amended.	9.	07/01/2014	40-2014
20-49-4-9.	Amended.	10.	07/01/2014	40-2014
20-49-4-18.	Amended.	11.	07/01/2014	40-2014
20-49-4-19.	Amended.	12.	07/01/2014	40-2014

Affected Provisions	Type	SEC.	Effective	P.L.
20-51-4-4.	Amended.	1.	07/01/2014	26-2014
20-51-4-4.5.	Amended.	2.	07/01/2014	26-2014

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21-12-1.7-3.	Amended.	91.	03/13/2014	2-2014
21-12-8-2.	Amended.	3.	07/01/2014	46-2014
21-12-13-2.	Amended.	92.	03/13/2014	2-2014
21-13-2-6.	Amended.	93.	03/13/2014	2-2014
21-13-9-7.	Amended.	94.	03/13/2014	2-2014
21-13-10.	New.	4.	07/01/2014	46-2014
21-18-9-10.	Amended.	95.	03/13/2014	2-2014
21-18-13.	New.	4.	07/01/2014	139-2014
21-18.5-4-3.	Amended.	5.	07/01/2014	46-2014
21-31-9-3.	Amended.	32.	01/01/2015	190-2014
21-33-2-5.	New.	6.	07/01/2014	143-2014
21-33-3-5.	Amended.	7.	07/01/2014	143-2014
21-33-3-6.	Amended.	8.	07/01/2014	143-2014
21-33-3-7.	Amended.	9.	07/01/2014	143-2014
21-34-6-6.	Amended.	10.	07/01/2014	143-2014
21-34-10-7.	Amended.	11.	07/01/2014	143-2014
21-41-9.	Repealed.	96.	03/13/2014	2-2014
21-41-9.	Repealed.	97.	03/13/2014	2-2014
21-41-10.	New.	98.	03/13/2014	2-2014
21-41-10-10.	Amended.	3.	07/01/2014	4-2014
21-41-11.	New.	99.	03/13/2014	2-2014
21-41-12.	New.	1.	07/01/2014	101-2014
21-42-7-2.	Amended.	2.	07/01/2014	101-2014
21-43-4-15.	Amended.	3.	07/01/2014	49-2014
21-44-1-3.	Amended.	1.	07/01/2014	142-2014
21-44-6-1.	Amended.	2.	07/01/2014	142-2014
21-44-6-2.	Amended.	3.	07/01/2014	142-2014
21-44-6-3.	Amended.	4.	07/01/2014	142-2014
21-44-6-4.	Amended.	5.	07/01/2014	142-2014
21-44-6-5.	Amended.	6.	07/01/2014	142-2014
21-44-6-6.	Amended.	7.	07/01/2014	142-2014
21-44-6-7.	Amended.	8.	07/01/2014	142-2014
21-44-6-8.	Amended.	9.	07/01/2014	142-2014
21-44-6-9.	New.	10.	07/01/2014	142-2014
21-44.5.	New.	1.	03/24/2014	45-2014

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Title 22				
22-1-1-11.	Amended.	112.	07/01/2014	113-2014
22-2-11.	Repealed.	113.	07/01/2014	113-2014
22-2-15-4.	Repealed.	137.	03/24/2014	53-2014
22-2-15-6.	Repealed.	138.	03/24/2014	53-2014
22-3-3-4.5.	Amended.	1.	07/01/2014	99-2014
22-3-3-5.2.	Amended.	2.	07/01/2014	99-2014
22-3-6-1.	Amended.	3.	07/01/2014	99-2014
22-3-7-9.	Amended.	4.	07/01/2014	99-2014
22-3-7-17.2.	Amended.	5.	07/01/2014	99-2014
22-3-7-17.2.	Amended.	100.	03/13/2014	2-2014
22-3-7-17.4.	Amended.	6.	07/01/2014	99-2014
22-4-1-2.	New.	5.	07/01/2014	121-2014
22-4-2-40.	Repealed.	6.	07/01/2014	121-2014
22-4-3-4.	Amended.	7.	07/01/2014	121-2014
22-4-3-5.	Amended.	8.	07/01/2014	121-2014
22-4-5-2.	Amended.	9.	07/01/2014	121-2014
22-4-7-1.	Amended.	10.	07/01/2014	121-2014
22-4-13-1.1.	Amended.	11.	07/01/2014	121-2014
22-4-15-1.	Amended.	12.	07/01/2014	121-2014
22-4-15-2.	Amended.	13.	07/01/2014	121-2014
22-4-15-6.1.	Amended.	14.	07/01/2014	121-2014
22-4-15-8.	Amended.	15.	07/01/2014	121-2014
22-4-17-11.	Amended.	16.	07/01/2014	121-2014
22-4-25-1.	Amended.	17.	07/01/2014	121-2014
22-4.1-4-6.	New.	6.	07/01/2014	46-2014
22-4.1-4-7.	New.	3.	07/01/2014	146-2014
22-4.1-18-2.	Amended.	18.	07/01/2014	121-2014
22-4.1-18-4.	Amended.	19.	07/01/2014	121-2014
22-4.1-18-5.	Amended.	20.	07/01/2014	121-2014
22-4.1-20-4.	Amended.	21.	07/01/2014	121-2014
22-4.5-9-2.	Repealed.	9.	07/01/2014	167-2014
22-4.5-9-4.	Amended.	10.	07/01/2014	167-2014
22-4.5-9-4.	Amended.	1.	03/24/2014	48-2014
22-4.5-9-4.	Amended.	101.	03/13/2014	2-2014
22-4.5-9-9.	Amended.	11.	07/01/2014	167-2014
22-4.5-10-1.5.	New.	12.	07/01/2014	167-2014
22-4.5-10-2.	Amended.	13.	07/01/2014	167-2014
22-4.5-10-3.	Amended.	14.	07/01/2014	167-2014
22-4.5-10-4.	Amended.	15.	07/01/2014	167-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
22-4.5-10-5.	Amended.	16.	07/01/2014	167-2014
22-4.5-10-6.	Amended.	17.	07/01/2014	167-2014
22-4.5-10-7.	New.	18.	07/01/2014	167-2014
22-4.5-10-8.	New.	19.	07/01/2014	167-2014
22-4.5-10-9.	New.	20.	07/01/2014	167-2014
22-4.5-10.5-3.	Amended.	21.	07/01/2014	167-2014
22-4.5-10.5-3.	Amended.	102.	03/13/2014	2-2014
22-6-3-1.	Amended.	114.	07/01/2014	113-2014
22-6-3-2.	Repealed.	115.	07/01/2014	113-2014
22-8-1.1-13.	Amended.	116.	07/01/2014	113-2014
22-9-1-2.	Amended.	2.	07/01/2014	136-2014
22-9-1-3.	Amended.	3.	07/01/2014	136-2014
22-9-1-6.	Amended.	4.	07/01/2014	136-2014
22-9-10.	New.	5.	07/01/2014	136-2014
22-12-1-5.	Amended.	5.	07/01/2014	218-2014
22-12-2-5.	Amended.	27.	07/01/2015	29-2014
22-12-6-6.	Amended.	6.	07/01/2014	218-2014
22-13-2-2.	Amended.	117.	07/01/2014	113-2014
22-13-2-2.	Amended.	28.	07/01/2015	29-2014
22-13-2-8.5.	Amended.	7.	07/01/2014	218-2014
22-13-2-11.5.	New.	5.	03/25/2014	107-2014
22-13-5-2.	Amended.	8.	07/01/2014	218-2014
22-13-5-4.	Amended.	9.	07/01/2014	218-2014
22-15-2-5.5.	New.	10.	07/01/2014	218-2014
22-15-2-6.	Amended.	11.	07/01/2014	218-2014
22-15-3-1.	Amended.	12.	07/01/2014	218-2014
22-15-3-6.	Amended.	13.	07/01/2014	218-2014
22-15-3.2.	New.	14.	07/01/2014	218-2014
22-15-3.3.	New.	15.	07/01/2014	218-2014
22-15-5-16.	Amended.	33.	07/01/2014	168-2014
22-15-6-4.	Amended.	16.	07/01/2014	218-2014

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23-1-18-1.1.	Amended.	1.	07/01/2014	63-2014
23-1-18-3.	Amended.	2.	07/01/2014	63-2014
23-1-22-2.	Amended.	3.	07/01/2014	63-2014
23-1-24-1.	Amended.	4.	07/01/2014	63-2014
23-1-46-2.	Amended.	5.	07/01/2014	63-2014
23-1-49-7.	Amended.	6.	07/01/2014	63-2014
23-1-51-2.	Amended.	7.	07/01/2014	63-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
23-1-51-2.5.	New.	8.	07/01/2014	63-2014
23-1-51-3.	Amended.	9.	07/01/2014	63-2014
23-4-1-50.	Amended.	10.	07/01/2014	63-2014
23-4-1-59.	New.	11.	07/01/2014	63-2014
23-14-31-45.	Amended.	3.	07/01/2014	112-2014
23-15-1-1.	Amended.	12.	07/01/2014	63-2014
23-15-2-1.	Repealed.	13.	07/01/2014	63-2014
23-15-10.	New.	14.	07/01/2014	63-2014
23-16-2-3.	Amended.	15.	07/01/2014	63-2014
23-16-10-4.	Amended.	16.	07/01/2014	63-2014
23-16-12-5.1.	Amended.	17.	07/01/2014	63-2014
23-16-12-7.	New.	18.	07/01/2014	63-2014
23-17-4-2.	Amended.	19.	07/01/2014	63-2014
23-17-6-1.	Amended.	20.	07/01/2014	63-2014
23-17-23-2.	Amended.	21.	07/01/2014	63-2014
23-17-24-1.5.	Amended.	4.	07/01/2014	65-2014
23-17-26-7.	Amended.	22.	07/01/2014	63-2014
23-17-26-13.	Amended.	23.	07/01/2014	63-2014
23-17-26-13.5.	New.	24.	07/01/2014	63-2014
23-17-26-14.	Amended.	25.	07/01/2014	63-2014
23-17-29-1.1.	Amended.	26.	07/01/2014	63-2014
23-17-31.	New.	27.	07/01/2014	63-2014
23-18-2-2.	Amended.	28.	07/01/2014	63-2014
23-18-2-10.	Amended.	29.	07/01/2014	63-2014
23-18-3-2.5.	Amended.	30.	07/01/2014	63-2014
23-18-3-2.6.	New.	31.	07/01/2014	63-2014
23-18-4-4.	Amended.	32.	07/01/2014	63-2014
23-18-6-2.5.	Amended.	33.	07/01/2014	63-2014
23-18-10-1.	Amended.	34.	07/01/2014	63-2014
23-18-10-2.	Amended.	35.	07/01/2014	63-2014
23-18-11-8.	Amended.	36.	07/01/2014	63-2014
23-18-11-15.	Amended.	37.	07/01/2014	63-2014
23-18-11-16.	Amended.	38.	07/01/2014	63-2014
23-18-11-16.5.	New.	39.	07/01/2014	63-2014
23-18-11-17.	Amended.	40.	07/01/2014	63-2014
23-18-12-1.1.	Amended.	41.	07/01/2014	63-2014
23-19-1-2.	Amended.	2.	07/01/2014	106-2014
23-19-2-2.	Amended.	3.	07/01/2014	106-2014
23-19-2-2.	Amended.	1.	07/01/2014	71-2014
23-19-2-2.3.	New.	4.	07/01/2014	106-2014
23-19-2-2.4.	New.	2.	07/01/2014	71-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
23-19-2-2.6.	New.	3.	07/01/2014	71-2014
23-19-2-5.	New.	5.	07/01/2014	106-2014
23-19-5-8.	Amended.	34.	07/01/2014	168-2014
23-19-6-1.	Amended.	103.	03/13/2014	2-2014
23-19-7-5.	Amended.	4.	07/01/2014	71-2014

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24-4-18-6.	Amended.	35.	07/01/2014	168-2014
24-4.4-1-102.	Amended.	1.	03/25/2014	137-2014
24-4.4-1-202.	Amended.	2.	07/01/2014	137-2014
24-4.4-1-202.	Amended.	1.	07/01/2014	103-2014
24-4.4-1-301.	Amended.	3.	03/25/2014	137-2014
24-4.4-2-401.	Amended.	2.	07/01/2014	103-2014
24-4.4-2-402.3.	Amended.	3.	07/01/2014	103-2014
24-4.4-2-402.3.	Amended.	4.	07/01/2014	137-2014
24-4.4-2-405.	Amended.	4.	07/01/2014	103-2014
24-4.5-1-102.	Amended.	5.	03/25/2014	137-2014
24-4.5-1-301.5.	Amended.	6.	03/25/2014	137-2014
24-4.5-2-106.	Amended.	7.	03/25/2014	137-2014
24-4.5-2-407.	Amended.	8.	07/01/2014	137-2014
24-4.5-2-602.	Amended.	9.	03/25/2014	137-2014
24-4.5-3-502.1.	Amended.	5.	07/01/2014	103-2014
24-4.5-3-502.2.	New.	10.	07/01/2014	137-2014
24-4.5-3-503.3.	Amended.	6.	07/01/2014	103-2014
24-4.5-3-505.	Amended.	7.	07/01/2014	103-2014
24-4.5-3-510.	Amended.	11.	07/01/2014	137-2014
24-4.5-3-511.	Amended.	12.	07/01/2014	137-2014
24-4.5-3-602.	Amended.	13.	03/25/2014	137-2014
24-4.5-4-301.	Amended.	14.	07/01/2014	137-2014
24-4.5-5-103.	Amended.	15.	07/01/2014	137-2014
24-4.5-5-105.	Amended.	2.	07/01/2014	78-2014
24-4.5-6-107.	Amended.	16.	07/01/2014	137-2014
24-4.5-7-102.	Amended.	17.	07/01/2014	137-2014
24-4.7-2-1.7.	New.	1.	07/01/2014	61-2014
24-4.7-2-7.7.	New.	2.	07/01/2014	61-2014
24-4.7-3-5.	Amended.	139.	03/24/2014	53-2014
24-4.7-3-6.	Amended.	5.	07/01/2014	65-2014
24-4.7-4-3.	Amended.	3.	07/01/2014	61-2014
24-4.7-4-6.	Amended.	4.	07/01/2014	61-2014
24-4.7-4-7.	New.	5.	07/01/2014	61-2014

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24-4.7-5-1.	Amended.	6.	07/01/2014	61-2014
24-5-0.5-2.	Amended.	6.	07/01/2014	65-2014
24-5-0.5-3.	Amended.	7.	07/01/2014	65-2014
24-5-0.5-4.	Amended.	8.	07/01/2014	65-2014
24-5-13-5.	Amended.	87.	01/01/2015	221-2014
24-5-23.6-9.	Amended.	18.	07/01/2014	137-2014
24-5-24.5.	New.	9.	07/01/2014	65-2014
24-7-5-11.	Amended.	19.	07/01/2014	137-2014
24-7-7-2.	Amended.	20.	07/01/2014	137-2014
24-7-8-6.	New.	21.	07/01/2014	137-2014
24-8-1-1.	Amended.	2.	03/25/2014	135-2014

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25-0.5	New.	5.	07/01/2014	3-2014
25-0.5-1-2.3.	New.	1.	07/01/2014	58-2014
25-0.5-1-2.5.	New.	5.	07/01/2014	139-2014
25-0.5-1-5.5.	New.	2.	07/01/2014	58-2014
25-0.5-2-34.	New.	3.	07/01/2014	58-2014
25-0.5-2-35.	New.	4.	07/01/2014	58-2014
25-1-1.1-2.	Amended.	36.	07/01/2014	168-2014
25-1-1.1-4.	Amended.	6.	07/01/2014	3-2014
25-1-2-2.1.	Amended.	7.	07/01/2014	3-2014
25-1-2-6.	Amended.	8.	07/01/2014	3-2014
25-1-4-0.3.	Amended.	9.	07/01/2014	3-2014
25-1-5-2.	Amended.	10.	07/01/2014	3-2014
25-1-5-3.	Amended.	11.	07/01/2014	3-2014
25-1-5-4.	Amended.	12.	07/01/2014	3-2014
25-1-5-5.	Amended.	13.	07/01/2014	3-2014
25-1-5-10.	Amended.	14.	07/01/2014	3-2014
25-1-6-2.	Amended.	15.	07/01/2014	3-2014
25-1-6-3.	Amended.	16.	07/01/2014	3-2014
25-1-6-4.	Amended.	17.	07/01/2014	3-2014
25-1-6-5.	Amended.	18.	07/01/2014	3-2014
25-1-6-5.5.	Amended.	19.	07/01/2014	3-2014
25-1-7-1.	Amended.	20.	07/01/2014	3-2014
25-1-7-4.	Amended.	21.	07/01/2014	3-2014
25-1-7-5.	Amended.	22.	07/01/2014	3-2014
25-1-7-6.	Amended.	23.	07/01/2014	3-2014
25-1-8-1.	Amended.	24.	07/01/2014	3-2014
25-1-8-6.	Amended.	25.	07/01/2014	3-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
25-1-9-1.	Amended.	26.	07/01/2014	3-2014
25-1-11-1.	Amended.	27.	07/01/2014	3-2014
25-1-16-3.	Amended.	4.	07/01/2014	112-2014
25-1-16-4.	Amended.	5.	07/01/2014	112-2014
25-1-16-4.5.	New.	6.	07/01/2014	112-2014
25-1-16-6.	Amended.	7.	07/01/2014	112-2014
25-1-16-7.	Amended.	8.	07/01/2014	112-2014
25-1-16-8.	Amended.	9.	07/01/2014	112-2014
25-1-16-10.	Amended.	10.	07/01/2014	112-2014
25-1-16-11.	Amended.	11.	07/01/2014	112-2014
25-1-16-13.	Amended.	140.	03/24/2014	53-2014
25-1-16-13.	Amended.	12.	07/01/2014	112-2014
25-1-16-14.	New.	13.	07/01/2014	112-2014
25-1-16-15.	New.	14.	07/01/2014	112-2014
25-2.1-1-3.8.	Amended.	15.	07/01/2014	112-2014
25-2.1-1-13.	Amended.	16.	07/01/2014	112-2014
25-2.1-2-4.	Amended.	17.	07/01/2014	112-2014
25-2.1-4-5.	Amended.	18.	07/01/2014	112-2014
25-2.1-5-4.	Amended.	19.	07/01/2014	112-2014
25-2.1-8-4.	Amended.	20.	07/01/2014	112-2014
25-2.1-12-2.	Amended.	21.	07/01/2014	112-2014
25-2.1-12-4.	Amended.	22.	07/01/2014	112-2014
25-2.1-13-3.	Amended.	23.	07/01/2014	112-2014
25-3.7.	New.	5.	07/01/2014	58-2014
25-4-1-33.	New.	17.	07/01/2014	218-2014
25-6.1-1-3.	Amended.	1.	07/01/2014	59-2014
25-6.1-2-5.	Amended.	2.	07/01/2014	59-2014
25-6.1-3-1.	Amended.	3.	07/01/2014	59-2014
25-6.1-3-2.	Amended.	4.	07/01/2014	59-2014
25-6.1-3-3.	Repealed.	5.	07/01/2014	59-2014
25-6.1-3-4.	Amended.	6.	03/24/2014	59-2014
25-6.1-3-6.	Amended.	7.	07/01/2014	59-2014
25-6.1-6-4.	Amended.	8.	07/01/2014	59-2014
25-6.1-6-5.	Amended.	9.	07/01/2014	59-2014
25-6.1-7-1.	Amended.	10.	07/01/2014	59-2014
25-6.1-8-2.	Amended.	11.	07/01/2014	59-2014
25-6.1-8-6.	Amended.	12.	07/01/2014	59-2014
25-6.1-8-10.	Amended.	13.	07/01/2014	59-2014
25-6.1-8-12.	Amended.	14.	07/01/2014	59-2014
25-6.1-9-6.5.	New.	15.	07/01/2014	59-2014
25-8-3-28.	Amended.	104.	03/13/2014	2-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
25-8-4-4.	Amended.	105.	03/13/2014	2-2014
25-8-5-1.	Amended.	2.	07/01/2014	75-2014
25-8-5-7.	New.	3.	07/01/2014	75-2014
25-8-7-1.	Amended.	4.	07/01/2014	75-2014
25-8-12.1-1.	Amended.	5.	07/01/2014	75-2014
25-8-15.4-2.	Repealed.	1.	07/01/2014	82-2014
25-8-15.4-12.	Amended.	2.	07/01/2014	82-2014
25-8-15.4-15.	Repealed.	3.	07/01/2014	82-2014
25-8-15.4-16.	Amended.	4.	07/01/2014	82-2014
25-8-15.4-21.	Repealed.	5.	07/01/2014	82-2014
25-8-15.4-22.	Repealed.	6.	07/01/2014	82-2014
25-8-15.4-23.	Repealed.	7.	07/01/2014	82-2014
25-13-1-2.	Amended.	1.	07/01/2014	68-2014
25-13-1-10.	Amended.	2.	07/01/2014	68-2014
25-14.3	New.	6.	07/01/2014	58-2014
25-15-9-13.	Amended.	24.	07/01/2014	112-2014
25-18-1.	Repealed.	118.	07/01/2014	113-2014
25-20-1-1.	Amended.	1.	07/01/2014	178-2014
25-20-1-25.	Amended.	2.	07/01/2014	178-2014
25-20-1-26.	New.	3.	07/01/2014	178-2014
25-20.2-2-6.	Amended.	1.	07/01/2014	163-2014
25-20.2-5-2.	Amended.	25.	07/01/2014	112-2014
25-21.5-1-7.	Amended.	35.	07/01/2014	219-2014
25-21.5-1-7.	Amended.	106.	03/13/2014	2-2014
25-21.8-4-2.	Amended.	26.	07/01/2014	112-2014
25-22.5-8-2.	Amended.	27.	03/25/2014	112-2014
25-22.5-14.	New.	1.	03/24/2014	74-2014
25-23-1-1.	Amended.	7.	07/01/2014	58-2014
25-23-1-7.	Amended.	9.	03/25/2014	138-2014
25-23-1-19.4.	Amended.	8.	07/01/2014	58-2014
25-23-1-19.5.	Amended.	9.	07/01/2014	58-2014
25-23.4-3-1.	Amended.	28.	03/25/2014	112-2014
25-23.4-3-7.	Amended.	29.	03/25/2014	112-2014
25-23.4-5-1.	Amended.	107.	03/13/2014	2-2014
25-23.4-6-1.	Amended.	108.	03/13/2014	2-2014
25-23.5-1-5.	Amended.	1.	07/01/2014	67-2014
25-23.5-1-6.5.	New.	2.	07/01/2014	67-2014
25-23.5-4.	New.	3.	07/01/2014	67-2014
25-23.5-5-1.	Amended.	4.	07/01/2014	67-2014
25-26-13-18.	Amended.	10.	07/01/2014	58-2014
25-26-17-3.	Amended.	30.	07/01/2014	112-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
25-26-19-4.	Amended.	11.	07/01/2014	58-2014
25-26-19-5.	Amended.	12.	07/01/2014	58-2014
25-26-19-6.	Amended.	13.	07/01/2014	58-2014
25-26-19-7.	Amended.	14.	07/01/2014	58-2014
25-26-19-8.	Amended.	15.	07/01/2014	58-2014
25-26-19-9.	Amended.	16.	07/01/2014	58-2014
25-28.5-2-1.	Amended.	31.	07/01/2014	112-2014
25-30-1-15.	Amended.	32.	07/01/2014	112-2014
25-30-1.3-16.	Amended.	33.	07/01/2014	112-2014
25-31-1-5.	Amended.	109.	03/13/2014	2-2014
25-31-1-6.	Amended.	110.	03/13/2014	2-2014
25-31-1-36.	New.	18.	07/01/2014	218-2014
25-34.1-4.5-5.5.	Amended.	111.	03/13/2014	2-2014
25-34.1-5-13.	Amended.	112.	03/13/2014	2-2014
25-34.1-5-15.	Amended.	113.	03/13/2014	2-2014
25-35.6-1-11.	New.	5.	07/01/2014	67-2014
25-35.6-4.	New.	4.	07/01/2014	178-2014
25-38.1-1-10.7.	New.	34.	07/01/2014	112-2014
25-38.1-3-1.	Amended.	35.	07/01/2014	112-2014
25-38.1-3-3.	Amended.	36.	07/01/2014	112-2014
25-38.1-3-5.	Amended.	37.	07/01/2014	112-2014
25-38.1-4-5.5.	Amended.	1.	07/01/2014	9-2014

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26-3-8-0.5.	New.	1.	07/01/2014	144-2014
26-3-8-3.	Amended.	2.	07/01/2014	144-2014
26-3-8-7.	Amended.	3.	07/01/2014	144-2014
26-3-8-9.5.	New.	4.	07/01/2014	144-2014
26-3-8-12.	Amended.	5.	07/01/2014	144-2014
26-3-8-14.	Amended.	6.	07/01/2014	144-2014
26-3-8-15.	Amended.	7.	07/01/2014	144-2014
26-3-8-16.	Amended.	8.	07/01/2014	144-2014

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27-1-2-2.3.	New.	3.	01/01/2013	129-2014
27-1-12-11.	Amended.	4.	07/01/2014	129-2014
27-1-13-16.	Amended.	5.	07/01/2014	129-2014
27-1-15.6-4.	Amended.	114.	03/13/2014	2-2014
27-1-17-4.	Amended.	6.	07/01/2014	129-2014

Affected Provisions	Type	SEC.	Effective	P.L.
27-1-22-28.	Amended.	1.	07/01/2014	133-2014
27-1-23-3.	Amended.	7.	07/01/2014	129-2014
27-1-23.5.	New.	8.	07/01/2014	129-2014
27-1-29-5.	Amended.	141.	03/24/2014	53-2014
27-1-43.	New.	1.	07/01/2014	119-2014
27-1-43-9.	New.	9.	07/01/2014	129-2014
27-1-43.2.	New.	10.	07/01/2014	129-2014
27-1-44.	New.	2.	07/01/2014	119-2014
27-2-23.	New.	1.	07/01/2014	90-2014
27-4-1-4.	Amended.	2.	07/01/2014	90-2014
27-8-13.4.	New.	1.	07/01/2014	124-2014
27-13-7-7.5.	New.	2.	07/01/2014	124-2014

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28-1-1-3.	Amended.	22.	07/01/2014	137-2014
28-1-7.5-4.	Amended.	23.	07/01/2014	137-2014
28-1-23.2.	New.	3.	03/25/2014	135-2014
28-1-29-5.5.	New.	24.	07/01/2014	137-2014
28-1-29-10.5.	Amended.	25.	07/01/2014	137-2014
28-7-1-0.5.	Amended.	26.	07/01/2014	137-2014
28-7-1-9.	Amended.	27.	07/01/2014	137-2014
28-7-1-18.	Amended.	28.	07/01/2014	137-2014
28-7-5-2.	Amended.	29.	07/01/2014	137-2014
28-7-5-4.	Amended.	30.	07/01/2014	137-2014
28-7-5-16.	Amended.	31.	07/01/2014	137-2014
28-8-4-38.	Amended.	32.	07/01/2014	137-2014
28-8-4-41.	Amended.	33.	07/01/2014	137-2014
28-8-5-11.	Amended.	34.	07/01/2014	137-2014
28-8-5-14.	Amended.	35.	03/25/2014	137-2014
28-8-5-15.	Amended.	36.	03/25/2014	137-2014
28-8-5-19.	Amended.	37.	07/01/2014	137-2014
28-10-1-1.	Amended.	38.	03/25/2014	137-2014
28-11-4-3.	Amended.	39.	07/01/2014	137-2014
28-13-4-6.	Repealed.	40.	07/01/2014	137-2014
28-13-10-9.	Amended.	41.	07/01/2014	137-2014
28-13-13-8.	Amended.	42.	07/01/2014	137-2014

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29-1-1-4.	Amended.	142.	03/24/2014	53-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
29-1-7-4.5.	Amended.	1.	07/01/2014	51-2014
29-1-7-18.	Amended.	2.	07/01/2014	51-2014
29-1-8-1.	Amended.	3.	07/01/2014	51-2014
29-1-8-4.5.	Amended.	4.	07/01/2014	51-2014
29-1-13-17.	New.	5.	07/01/2014	51-2014
29-1-17-9.	Amended.	6.	07/01/2014	51-2014
29-3-6-3.	Amended.	1.	07/01/2014	83-2014
29-3-7-7.	Amended.	37.	07/01/2014	168-2014
29-3-8-4.	Amended.	2.	07/01/2014	83-2014
29-3-8.5-4.	Amended.	3.	07/01/2014	83-2014
29-3-9-1.	Amended.	4.	07/01/2014	83-2014
29-3-9-12.	New.	7.	07/01/2014	51-2014
29-3-9-12.	Amended.	5.	07/01/2014	83-2014
29-3-9-12.2.	New.	6.	07/01/2014	83-2014
29-3-9-13.	New.	7.	07/01/2014	83-2014

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30-2-13-29.	Amended.	38.	07/01/2014	112-2014
30-2-14-0.1.	Amended.	8.	07/01/2014	51-2014
30-2-14-3.	Amended.	9.	07/01/2014	51-2014
30-2-14-12.	Amended.	10.	07/01/2014	51-2014
30-2-14-13.5.	New.	11.	07/01/2014	51-2014
30-2-14-14.	Amended.	12.	07/01/2014	51-2014
30-2-14-18.	Amended.	13.	07/01/2014	51-2014
30-2-14-19.	Amended.	14.	07/01/2014	51-2014
30-2-14-20.	Amended.	15.	07/01/2014	51-2014
30-2-14-21.	Amended.	16.	07/01/2014	51-2014
30-2-14-38.	Amended.	17.	07/01/2014	51-2014
30-4-1-2.	Amended.	18.	07/01/2014	51-2014
30-4-2-1.	Amended.	19.	07/01/2014	51-2014
30-4-3-3.	Amended.	20.	07/01/2014	51-2014
30-4-3-6.	Amended.	21.	07/01/2014	51-2014
30-4-3-6.	Amended.	8.	07/01/2014	83-2014
30-4-3-36.	Amended.	22.	07/01/2014	51-2014
30-4-3.5-2.	Amended.	23.	07/01/2014	51-2014
30-4-3.5-4.	Amended.	24.	07/01/2014	51-2014
30-4-5-12.	Amended.	43.	07/01/2014	137-2014
30-4-5-13.	Amended.	25.	07/01/2014	51-2014
30-4-6-14.	Amended.	26.	07/01/2014	51-2014
30-5-5-10.	Amended.	27.	07/01/2014	51-2014

Affected Provisions	Type	SEC.	Effective	P.L.
30-5-5-18.	Amended.	28.	07/01/2014	51-2014
30-5-6-4.	Amended.	29.	07/01/2014	51-2014

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31-9-2-44.8.	Amended.	115.	03/13/2014	2-2014
31-9-2-47.	Amended.	2.	07/01/2014	123-2014
31-9-2-49.	Amended.	9.	07/01/2014	83-2014
31-9-2-54.5.	New.	10.	07/01/2014	83-2014
31-9-2-106.5.	Repealed.	3.	07/01/2014	123-2014
31-9-2-107.	Amended.	4.	07/01/2014	123-2014
31-11-10-1.	Amended.	11.	07/01/2014	83-2014
31-11-10-4.	Amended.	12.	07/01/2014	83-2014
31-15-2-5.	Amended.	13.	07/01/2014	83-2014
31-15-2-6.	Amended.	14.	07/01/2014	83-2014
31-15-3-4.	Amended.	15.	07/01/2014	83-2014
31-15-3-6.	Amended.	16.	07/01/2014	83-2014
31-16-15-2.5.	Amended.	5.	07/01/2014	123-2014
31-16-15-3.5.	Amended.	6.	07/01/2014	123-2014
31-16-15-4.3.	Amended.	7.	07/01/2014	123-2014
31-19-2-13.	Amended.	1.	07/01/2014	81-2014
31-19-2-14.	Amended.	2.	07/01/2014	81-2014
31-19-9-10.	Amended.	38.	07/01/2014	168-2014
31-19-11-6.	Amended.	3.	07/01/2014	81-2014
31-25-2-23.	Amended.	8.	07/01/2014	123-2014
31-25-4-13.1.	Amended.	143.	03/24/2014	53-2014
31-25-4-17.	Amended.	9.	07/01/2014	123-2014
31-25-4-27.	Amended.	144.	03/24/2014	53-2014
31-25-4-31.	Amended.	10.	07/01/2014	123-2014
31-27-3-18.	Amended.	11.	07/01/2014	123-2014
31-27-4-1.	Amended.	12.	07/01/2014	123-2014
31-27-4-2.	Amended.	13.	07/01/2014	123-2014
31-27-4-8.	Amended.	14.	07/01/2014	123-2014
31-27-4-9.	Repealed.	15.	07/01/2014	123-2014
31-27-4-21.	Amended.	16.	07/01/2014	123-2014
31-27-5-18.	Amended.	17.	07/01/2014	123-2014
31-27-6-15.	Amended.	18.	07/01/2014	123-2014
31-28-5.8-3.	Amended.	19.	07/01/2014	123-2014
31-30-1-2.5.	Amended.	39.	07/01/2014	168-2014
31-30-1-4.	Amended.	40.	07/01/2014	168-2014
31-30-4-2.	Amended.	41.	07/01/2014	168-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
31-30-4-5.	Amended.	42.	07/01/2014	168-2014
31-31-3-2.	Amended.	1.	07/01/2014	23-2014
31-31-3-2.	Amended.	119.	07/01/2014	113-2014
31-33-18-2.	Amended.	20.	07/01/2014	123-2014
31-34-1-3.	Amended.	43.	07/01/2014	168-2014
31-34-4-2.	Amended.	21.	07/01/2014	123-2014
31-34-6-2.	Amended.	22.	07/01/2014	123-2014
31-34-19-7.	Amended.	23.	07/01/2014	123-2014
31-35-2-4.5.	Amended.	24.	07/01/2014	123-2014
31-37-4-3.	Amended.	44.	07/01/2014	168-2014
31-37-5-7.	Amended.	183.	01/01/2015	217-2014
31-37-13-5.	Amended.	45.	07/01/2014	168-2014
31-37-17-2.	Amended.	25.	07/01/2014	123-2014
31-37-17-6.1.	Amended.	26.	07/01/2014	123-2014
31-37-19-1.5.	Amended.	27.	07/01/2014	123-2014
31-37-19-17.3.	Amended.	184.	01/01/2015	217-2014
31-37-20-4.5.	Amended.	28.	07/01/2014	123-2014
31-37-22-4.5.	Amended.	29.	07/01/2014	123-2014
31-39-1-1.	Amended.	1.	07/01/2014	1-2014
31-39-2-1.	Amended.	2.	07/01/2014	1-2014
31-40-2-1.7.	Amended.	185.	01/01/2015	217-2014

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32-17-4-2.5.	Amended.	4.	07/01/2014	94-2014
32-17-14-26.	Amended.	30.	07/01/2014	51-2014
32-21-2-3.5.	Amended.	1.	07/01/2014	122-2014
32-21-4-1.	Amended.	5.	07/01/2014	94-2014
32-21-5-7.	Amended.	5.	07/01/2014	180-2014
32-21-7-1.	Amended.	6.	07/01/2014	94-2014
32-21-11.	Repealed.	120.	07/01/2014	113-2014
32-21-13-7.	New.	1.	07/01/2014	73-2014
32-24-1-5.8.	Amended.	1.	07/01/2014	11-2014
32-25-5-2.	Amended.	7.	07/01/2014	94-2014
32-29-7-3.	Amended.	19.	07/01/2014	66-2014
32-30-3-17.	Amended.	3.	07/01/2014	78-2014
32-30-6-7.	Amended.	1.	07/01/2014	193-2014
32-30-10.6-1.	Amended.	20.	07/01/2014	66-2014
32-30-10.6-2.3.	New.	21.	07/01/2014	66-2014
32-30-10.6-3.5.	Amended.	22.	07/01/2014	66-2014
32-30-10.6-6.	New.	23.	07/01/2014	66-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
32-30-11-1.	Amended.	4.	07/01/2014	78-2014
32-33-4-1.	Amended.	116.	03/13/2014	2-2014
32-34-1-9.1.	New.	2.	07/01/2014	56-2014
32-34-1-27.	Amended.	3.	07/01/2014	56-2014
32-34-1-30.	Amended.	4.	07/01/2014	56-2014
32-34-1-30.1.	New.	5.	07/01/2014	56-2014

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33-23-8-3.	Amended.	28.	07/01/2014	3-2014
33-23-10.	Repealed.	145.	03/24/2014	53-2014
[1] 33-23-10-7.	Amended.	2.	07/01/2014	23-2014
33-24-11.	Repealed.	146.	03/24/2014	53-2014
33-31-1-5.	Amended.	5.	07/01/2014	78-2014
33-32-2-10.	New.	6.	07/01/2014	78-2014
33-32-3-1.	Amended.	7.	07/01/2014	78-2014
33-32-3-2.	Amended.	8.	07/01/2014	78-2014
33-32-3-5.	Amended.	9.	07/01/2014	78-2014
33-32-3-7.	Amended.	10.	07/01/2014	78-2014
33-32-5-2.	Repealed.	121.	07/01/2014	113-2014
33-33-2-17.	Amended.	11.	07/01/2014	78-2014
33-33-3-3.	Amended.	12.	07/01/2014	78-2014
33-33-9-4.	Amended.	13.	07/01/2014	78-2014
33-33-19-4.	Amended.	14.	07/01/2014	78-2014
33-33-29-6.	Amended.	1.	07/01/2014	12-2014
33-33-79.2-4.	Amended.	15.	07/01/2014	78-2014
33-37-1-2.	Amended.	16.	07/01/2014	78-2014
33-37-5-16.	Amended.	48.	07/01/2014	195-2014
33-37-5-23.	Amended.	46.	07/01/2014	168-2014
33-37-10-2.	Amended.	4.	07/01/2014	41-2014
33-37-10-3.	Amended.	5.	07/01/2014	41-2014
33-37-10-3.5.	New.	6.	07/01/2014	41-2014
33-37-12.	New.	17.	07/01/2014	78-2014
33-38-9-10.	Repealed.	147.	03/24/2014	53-2014
33-38-10-6.	Amended.	18.	07/01/2014	78-2014
33-39-1-1.	Repealed.	3.	07/01/2014	57-2014
33-39-1-6.	Repealed.	4.	07/01/2014	57-2014

[1] IC 2-5-1.3-16 (P.L.53-2014, SEC.6) and P.L.113-2014, SEC.131 stated the general assembly's intention to repeal IC 33-23-10 effective 3-24-2014.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
33-39-1-7.	Repealed.	5.	07/01/2014	57-2014
33-39-1-8.	Amended.	47.	07/01/2014	168-2014
33-39-1-8.	Amended.	186.	01/01/2015	217-2014
33-39-2-6.	Repealed.	6.	07/01/2014	57-2014
33-39-7-8.	Amended.	7.	07/01/2014	57-2014
33-39-7-15.	Amended.	8.	07/01/2014	57-2014
33-39-9-3.	Amended.	9.	07/01/2014	57-2014
33-39-10.	New.	10.	07/01/2014	57-2014
33-42-4-1.	Amended.	1.	07/01/2014	174-2014
33-42-4-1.	Amended.	64.	07/01/2014	76-2014

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34-6-2-52.	Amended.	122.	07/01/2014	113-2014
34-6-2-148.2.	New.	2.	07/01/2014	150-2014
34-6-2-148.3.	New.	3.	07/01/2014	150-2014
34-6-2-148.7.	New.	4.	07/01/2014	150-2014
34-18-6-4.	Amended.	1.	07/01/2014	18-2014
34-18-6-5.	Amended.	2.	07/01/2014	18-2014
34-24-1-1.	Amended.	187.	07/01/2014	217-2014
34-28-5-3.	Amended.	2.	07/01/2014	191-2014
34-28-7-2.	Amended.	1.	07/01/2014	157-2014
34-28-9.2.	New.	6.	07/01/2014	198-2014
34-30-2-60.2.	New.	10.	03/25/2014	138-2014
34-30-2-66.3.	New.	20.	07/01/2014	161-2014
34-30-2-77.6.	New.	7.	07/01/2014	41-2014
34-30-2-77.7.	New.	8.	07/01/2014	41-2014
34-30-2-85.6.	New.	2.	07/01/2014	92-2014
34-30-2-85.9.	New.	4.	07/01/2014	34-2014
34-30-2-86.4.	New.	2.	03/24/2014	45-2014
34-30-2-106.7.	New.	11.	07/01/2014	129-2014
34-30-2-146.4.	New.	1.	07/01/2014	170-2014
34-30-26-7.	New.	24.	07/01/2014	66-2014
34-30-27-1.	Amended.	117.	03/13/2014	2-2014
34-30-28.	New.	9.	07/01/2014	41-2014
34-31-2-2.5.	New.	10.	03/26/2014	156-2014
34-35-5-2.	Amended.	19.	07/01/2014	78-2014
34-35-5-7.	Amended.	20.	07/01/2014	78-2014
34-35-5-8.	Repealed.	21.	07/01/2014	78-2014

Affected Provisions	Type	SEC.	Effective	P.L.
34-52-2-1.	Amended.	29.	07/01/2014	3-2014
34-55-6-3.	Amended.	8.	07/01/2014	94-2014
34-55-6-5.	Amended.	9.	07/01/2014	94-2014
34-55-8-7.	Amended.	22.	07/01/2014	78-2014
34-57-1-1.	Amended.	3.	07/01/2014	196-2014
34-60.	New.	5.	07/01/2014	150-2014

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35-31.5-2-24.5.	New.	1.	07/01/2014	21-2014
35-31.5-2-67.2.	Repealed.	48.	07/01/2014	168-2014
35-31.5-2-78.	Amended.	2.	03/26/2014	181-2014
35-31.5-2-110.5.	New.	2.	07/01/2014	170-2014
35-31.5-2-111.5.	New.	3.	07/01/2014	170-2014
35-31.5-2-112.5.	New.	4.	07/01/2014	170-2014
35-31.5-2-115.2.	Repealed.	49.	07/01/2014	168-2014
35-31.5-2-143.3.	New.	5.	07/01/2014	170-2014
35-31.5-2-143.5.	New.	6.	07/01/2014	170-2014
35-31.5-2-144.	Amended.	7.	07/01/2014	170-2014
35-31.5-2-160.5.	Repealed.	50.	07/01/2014	168-2014
35-31.5-2-175.5.	New.	8.	07/01/2014	170-2014
35-31.5-2-177.7.	New.	1.	07/01/2014	147-2014
35-31.5-2-183.	Amended.	2.	07/01/2014	162-2014
35-31.5-2-186.	Amended.	9.	07/01/2014	170-2014
35-31.5-2-186.2.	New.	4.	07/01/2014	185-2014
35-31.5-2-244.	Amended.	51.	07/01/2014	168-2014
35-31.5-2-273.8.	New.	10.	07/01/2014	170-2014
35-31.5-2-337.5.	New.	11.	07/01/2014	170-2014
35-31.5-2-342.3.	New.	12.	07/01/2014	170-2014
35-31.5-2-343.5.	New.	13.	07/01/2014	170-2014
35-31.5-2-343.7.	New.	14.	07/01/2014	170-2014
35-31.5-2-343.8.	New.	15.	07/01/2014	170-2014
35-32-1-1.	Amended.	52.	07/01/2014	168-2014
35-33-1-1.	Amended.	3.	07/01/2014	226-2014(ts)
35-33-1-1.	Amended.	4.	01/01/2015	226-2014(ts)
35-33-5-0.5.	New.	16.	07/01/2014	170-2014
35-33-5-2.	Amended.	17.	07/01/2014	170-2014
35-33-5-8.	Amended.	18.	07/01/2014	170-2014
35-33-5-9.	New.	19.	07/01/2014	170-2014
35-33-5-10.	New.	20.	07/01/2014	170-2014
35-33-5-11.	New.	21.	07/01/2014	170-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
35-33-5-12.	New.	22.	07/01/2014	170-2014
35-33-5-13.	New.	23.	07/01/2014	170-2014
35-33-5-14.	New.	24.	07/01/2014	170-2014
35-33-8-3.3.	Amended.	189.	01/01/2015	217-2014
35-33-14-4.	Amended.	53.	07/01/2014	168-2014
35-36-2-2.	Amended.	1.	07/01/2014	54-2014
35-38-1-1.3.	Amended.	54.	07/01/2014	168-2014
35-38-1-1.5.	Amended.	55.	07/01/2014	168-2014
35-38-1-2.	Amended.	56.	07/01/2014	168-2014
35-38-1-7.1.	Amended.	11.	03/26/2014	156-2014
35-38-1-7.5.	Amended.	57.	07/01/2014	168-2014
35-38-1-17.	Amended.	58.	07/01/2014	168-2014
35-38-1-32.	New.	190.	01/01/2015	217-2014
35-38-2-1.7.	Amended.	191.	01/01/2015	217-2014
35-38-2.5-3.	Amended.	25.	07/01/2014	170-2014
35-38-2.5-5.	Amended.	59.	07/01/2014	168-2014
35-38-2.6-1.	Amended.	5.	07/01/2014	185-2014
35-38-2.6-6.	Amended.	60.	07/01/2014	168-2014
35-38-3-1.	Amended.	61.	07/01/2014	168-2014
35-38-3-3.	Amended.	62.	07/01/2014	168-2014
35-38-5-1.	Repealed.	3.	03/26/2014	181-2014
35-38-5-2.	Repealed.	4.	03/26/2014	181-2014
35-38-5-3.	Repealed.	5.	03/26/2014	181-2014
35-38-5-4.	Repealed.	6.	03/26/2014	181-2014
35-38-9-1.	Amended.	7.	03/26/2014	181-2014
35-38-9-2.	Amended.	8.	03/26/2014	181-2014
35-38-9-3.	Amended.	9.	03/26/2014	181-2014
35-38-9-4.	Amended.	10.	03/26/2014	181-2014
35-38-9-5.	Amended.	11.	03/26/2014	181-2014
35-38-9-6.	Amended.	12.	03/26/2014	181-2014
35-38-9-7.	Amended.	13.	03/26/2014	181-2014
35-38-9-8.	Amended.	14.	03/26/2014	181-2014
35-38-9-9.	Amended.	15.	03/26/2014	181-2014
35-38-9-10.	Amended.	16.	03/26/2014	181-2014
35-38-9-11.	New.	17.	03/26/2014	181-2014
35-41-4-2.	Amended.	63.	07/01/2014	168-2014
35-41-5-1.	Amended.	64.	07/01/2014	168-2014
35-42-1-1.	Amended.	65.	07/01/2014	168-2014
35-42-2-1.	Amended.	2.	07/01/2014	147-2014
35-42-3.5-1.	Amended.	66.	07/01/2014	168-2014
35-42-4-1.	Amended.	67.	07/01/2014	168-2014

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Affected Provisions	Type	SEC.	Effective	P.L.
35-42-4-3.	Amended.	68.	07/01/2014	168-2014
35-42-4-4.	Amended.	69.	07/01/2014	168-2014
35-42-4-6.	Amended.	70.	07/01/2014	168-2014
35-42-4-7.	Amended.	5.	07/01/2014	226-2014(ts)
35-42-4-11.	Amended.	72.	07/01/2014	168-2014
35-42-4-12.	Amended.	73.	07/01/2014	168-2014
35-42-4-13.	Amended.	74.	07/01/2014	168-2014
35-43-1-1.	Amended.	75.	07/01/2014	168-2014
35-43-1-2.	Amended.	2.	07/01/2014	21-2014
35-43-1-7.	Amended.	76.	07/01/2014	168-2014
35-43-2-2.	Amended.	3.	07/01/2014	21-2014
35-43-4-2.	Amended.	1.	07/01/2014	152-2014
35-43-4-2.5.	Amended.	77.	07/01/2014	168-2014
35-43-5-4.6.	Amended.	78.	07/01/2014	168-2014
35-43-6.5.	New.	192.	01/01/2015	217-2014
35-44.1-2-3.	Amended.	79.	07/01/2014	168-2014
35-44.1-3-1.	Amended.	80.	07/01/2014	168-2014
35-44.1-3-5.	Amended.	81.	07/01/2014	168-2014
35-44.1-3-10.	Amended.	6.	07/01/2014	185-2014
35-45-2-1.	Amended.	82.	07/01/2014	168-2014
35-45-4-6.	New.	83.	07/01/2014	168-2014
35-45-5-7.	Amended.	4.	03/25/2014	135-2014
35-45-5-13.	New.	5.	03/25/2014	135-2014
35-45-6-1.	Amended.	84.	07/01/2014	168-2014
35-45-19-1.	Amended.	193.	01/01/2015	217-2014
35-46-1-4.	Amended.	85.	07/01/2014	168-2014
35-46-1-5.	Amended.	1.	07/01/2014	148-2014
35-46-3-11.	Amended.	86.	07/01/2014	168-2014
35-46-8.5.	New.	26.	07/01/2014	170-2014
35-46-9-6.	Amended.	87.	07/01/2014	168-2014
35-47-2-7.	Amended.	2.	07/01/2014	152-2014
35-47-2.5-1.	Amended.	3.	07/01/2014	152-2014
35-47-2.5-14.	Repealed.	4.	07/01/2014	152-2014
35-47-2.5-15.	Repealed.	5.	07/01/2014	152-2014
35-47-2.5-16.	New.	6.	07/01/2014	152-2014
35-47-3-2.	Amended.	2.	07/01/2014	157-2014
35-47-3.5.	New.	3.	07/01/2014	157-2014
35-47-4-5.	Amended.	88.	07/01/2014	168-2014
35-47-4-7.	Amended.	18.	03/26/2014	181-2014
35-47-9-1.	Amended.	4.	07/01/2014	157-2014
35-47-9-2.	Amended.	5.	07/01/2014	157-2014

Note: P.L.226-2014(ts) was passed at the Second Technical Session

Affected Provisions	Type	SEC.	Effective	P.L.
35-47-9-2.	Amended.	89.	07/01/2014	168-2014
35-47-10-1.	Amended.	7.	07/01/2014	152-2014
35-47-10-5.	Amended.	8.	07/01/2014	152-2014
35-47-10-6.	Amended.	9.	07/01/2014	152-2014
35-47-11.1-4.	Amended.	3.	07/01/2014	147-2014
35-47-14-9.	Amended.	6.	07/01/2014	157-2014
35-47-14-10.	New.	7.	07/01/2014	157-2014
35-47-16.	New.	4.	07/01/2014	147-2014
35-48-1-16.5.	Amended.	90.	07/01/2014	168-2014
35-48-1-19.	Amended.	3.	03/26/2014	165-2014
35-48-4-1.	Amended.	6.	07/01/2014	226-2014(ts)
35-48-4-1.1.	Amended.	7.	07/01/2014	226-2014(ts)
35-48-4-2.	Amended.	8.	07/01/2014	226-2014(ts)
35-48-4-3.	Amended.	9.	07/01/2014	226-2014(ts)
35-48-4-4.	Amended.	10.	07/01/2014	226-2014(ts)
35-48-4-4.6.	Amended.	96.	07/01/2014	168-2014
35-48-4-5.	Amended.	97.	07/01/2014	168-2014
35-48-4-6.	Amended.	98.	07/01/2014	168-2014
35-48-4-6.1.	Amended.	11.	07/01/2014	226-2014(ts)
35-48-4-10.	Amended.	100.	07/01/2014	168-2014
35-48-4-10.5.	Amended.	101.	07/01/2014	168-2014
35-48-4-11.	Amended.	12.	07/01/2014	226-2014(ts)
35-48-4-11.5.	Amended.	103.	07/01/2014	168-2014
35-48-4-12.	Amended.	104.	07/01/2014	168-2014
35-48-4-14.5.	Amended.	105.	07/01/2014	168-2014
35-48-4-15.	Amended.	194.	01/01/2015	217-2014
35-48-7-8.1.	Amended.	9.	03/25/2014	131-2014
35-48-7-11.1.	Amended.	10.	03/25/2014	131-2014
35-48-7-12.1.	Amended.	11.	07/01/2014	131-2014
35-48-7-13.1.	Amended.	39.	07/01/2014	112-2014
35-48-7-16.	New.	12.	07/01/2014	131-2014
35-49-3-1.	Amended.	106.	07/01/2014	168-2014
35-49-3-2.	Amended.	107.	07/01/2014	168-2014
35-50-1-2.	Amended.	108.	07/01/2014	168-2014
35-50-2-0.1.	Amended.	109.	07/01/2014	168-2014
35-50-2-1.3.	Amended.	110.	07/01/2014	168-2014
35-50-2-2.1.	Amended.	111.	07/01/2014	168-2014
35-50-2-2.2.	Amended.	112.	07/01/2014	168-2014
35-50-2-4.	Amended.	13.	07/01/2014	226-2014(ts)
35-50-2-5.	Amended.	114.	07/01/2014	168-2014
35-50-2-5.5.	Amended.	115.	07/01/2014	168-2014

Affected Provisions	Type	SEC.	Effective	P.L.
35-50-2-6.	Amended.	116.	07/01/2014	168-2014
35-50-2-6.	Amended.	2.	07/01/2014	148-2014
35-50-2-7.	Amended.	117.	07/01/2014	168-2014
35-50-2-8.	Amended.	118.	07/01/2014	168-2014
35-50-2-9.	Amended.	119.	07/01/2014	168-2014
35-50-2-11.	Amended.	10.	07/01/2014	152-2014
35-50-5-3.	Amended.	6.	07/01/2014	180-2014
35-50-6-3.	Amended.	120.	07/01/2014	168-2014
35-50-6-3.1.	Amended.	121.	07/01/2014	168-2014
35-50-6-3.3.	Amended.	122.	07/01/2014	168-2014
35-50-6-4.	Amended.	123.	07/01/2014	168-2014
35-50-6-5.	Amended.	124.	07/01/2014	168-2014
35-51	Repealed.	1.	07/01/2014	169-2014
[1] 35-51-4-1.	Amended.	16.	07/01/2014	187-2014
[1] 35-51-7-1.	Amended.	105.	07/01/2014	159-2014
[1] 35-51-9-1.	Amended.	160.	01/01/2015	216-2014
[1] 35-51-9-1.	Amended.	195.	01/01/2015	217-2014
[1] 35-51-13-1.	Amended.	35.	07/01/2014	220-2014
[1] 35-51-14-1.	Amended.	49.	07/01/2014	195-2014
[1] 35-51-25-1.	Amended.	17.	07/01/2014	58-2014
[1] 35-51-36-1.	Amended.	8.	03/24/2014	77-2014
35-52.	New.	2.	07/01/2014	169-2014
[1] 35-52-25-18.	Repealed.	123.	07/01/2014	113-2014

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36-1-2-5.	Amended.	9.	03/24/2014	77-2014
36-1-2-9.	Amended.	10.	03/24/2014	77-2014
36-1-2-24.	Amended.	11.	03/24/2014	77-2014
36-1-3-6.	Amended.	12.	03/24/2014	77-2014
36-1-4-20.	New.	1.	07/01/2014	95-2014
36-1-7-1.	Amended.	11.	03/24/2014	38-2014
36-1-8-17.5.	Amended.	24.	07/01/2014	183-2014
36-1-8.5-3.	Amended.	1.	07/01/2014	14-2014
36-1-10-10.	Amended.	19.	07/01/2014	218-2014

[1] P.L.169-2014, SEC.3 stated the general assembly's intention to repeal IC 35-51.

[1] P.L.169-2014, SEC.4 stated the general assembly's intention to repeal IC 35-52-25-18.

Note: P.L.226-2014(ts) was passed at the Second Technical Session

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36-1-12-1.2.	Amended.	34.	07/01/2014	91-2014
36-1-20-1.5.	New.	2.	06/30/2014	193-2014
36-1-20-2.	Amended.	3.	06/30/2014	193-2014
36-1-20-3.	Amended.	4.	06/30/2014	193-2014
36-1-20-3.5.	New.	5.	06/30/2014	193-2014
36-1-20-4.	Repealed.	6.	06/30/2014	193-2014
36-1-20-4.1.	New.	7.	06/30/2014	193-2014
36-1-20-5.	New.	8.	06/30/2014	193-2014
36-1-20-6.	New.	9.	06/30/2014	193-2014
36-1-22.	New.	20.	03/27/2014	218-2014
36-2-2-1.	Amended.	13.	03/24/2014	77-2014
36-2-2.4.	New.	14.	03/24/2014	77-2014
36-2-2.5.	New.	15.	03/24/2014	77-2014
36-2-2.7.	New.	16.	03/24/2014	77-2014
36-2-3-4.	Amended.	17.	03/24/2014	77-2014
36-2-3-4.1.	New.	18.	03/24/2014	77-2014
36-2-3.7.	New.	19.	03/24/2014	77-2014
36-2-4-8.	Amended.	20.	03/24/2014	77-2014
36-2-7-10.	Amended.	1.	07/01/2014	125-2014
36-2-7-10.2.	New.	2.	07/01/2014	125-2014
36-2-15-5.	Amended.	65.	01/01/2015	76-2014
36-3-4-3.	Amended.	118.	03/13/2014	2-2014
36-4-1.5-2.	Amended.	66.	07/01/2014	76-2014
36-4-1.5-2.	Amended.	119.	03/13/2014	2-2014
36-4-3-4.	Amended.	1.	07/01/2014	207-2014
36-4-3-15.5.	Amended.	2.	03/27/2014	207-2014
36-4-3-15.7.	New.	3.	03/27/2014	207-2014
36-4-3-21.1.	New.	4.	07/01/2014	196-2014
36-4-7-6.	Amended.	25.	07/01/2014	183-2014
36-5-1-8.	Amended.	67.	07/01/2014	76-2014
36-5-1-20.	Amended.	21.	03/24/2014	77-2014
36-5-3-3.	Amended.	26.	07/01/2014	183-2014
36-6-4-13.	Amended.	43.	03/26/2014	166-2014
36-7-4-205.	Amended.	4.	07/01/2014	207-2014
36-7-4-605.	Amended.	1.	07/01/2014	88-2014
36-7-4-608.	Amended.	2.	07/01/2014	88-2014
36-7-4-922.	Amended.	3.	07/01/2014	88-2014
36-7-4-1003.	Amended.	4.	07/01/2014	88-2014
36-7-4-1015.	Amended.	1.	07/01/2014	130-2014
36-7-4-1016.	Amended.	2.	07/01/2014	130-2014
36-7-9-2.	Amended.	25.	07/01/2014	66-2014

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36-7-14-0.5.	New.	1.	07/01/2014	149-2014
36-7-14-2.5.	Amended.	2.	07/01/2014	149-2014
36-7-14-3.	Amended.	3.	07/01/2014	149-2014
36-7-14-8.	Amended.	4.	07/01/2014	149-2014
36-7-14-12.2.	Amended.	5.	07/01/2014	149-2014
36-7-14-12.2.	Amended.	2.	07/01/2014	95-2014
36-7-14-12.3.	Amended.	6.	07/01/2014	149-2014
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36-7-14-13.	Amended.	8.	07/01/2014	149-2014
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36-7-14-20.	Amended.	11.	07/01/2014	149-2014
36-7-14-22.5.	Amended.	12.	07/01/2014	149-2014
36-7-14-25.1.	Amended.	13.	07/01/2014	149-2014
36-7-14-25.2.	Amended.	14.	07/01/2014	149-2014
36-7-14-27.	Amended.	15.	07/01/2014	149-2014
36-7-14-27.5.	Amended.	16.	07/01/2014	149-2014
36-7-14-32.5.	Repealed.	17.	07/01/2014	149-2014
36-7-14-39.	Amended.	18.	07/01/2014	149-2014
36-7-14-39.	Amended.	3.	07/01/2014	95-2014
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36-7-14-44.2.	Repealed.	148.	03/24/2014	53-2014
36-7-14-46.	Amended.	20.	07/01/2014	149-2014
36-7-14-48.	Amended.	21.	07/01/2014	149-2014
36-7-14-50.	Amended.	120.	03/13/2014	2-2014
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36-7-14.5-7.	Amended.	22.	07/01/2014	149-2014
36-7-14.5-9.	Amended.	23.	07/01/2014	149-2014
36-7-14.5-11.	Amended.	24.	07/01/2014	149-2014
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Note: P.L.226-2014(ts) was passed at the Second Technical Session

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36-7-15.1-26.	Amended.	5.	07/01/2014	95-2014
36-7-15.1-36.2.	Repealed.	149.	03/24/2014	53-2014
36-7-15.1-60.	Amended.	121.	03/13/2014	2-2014
36-7-15.3-7.	Amended.	37.	07/01/2014	149-2014
36-7-15.3-8.5.	New.	38.	07/01/2014	149-2014
36-7-30-9.	Amended.	6.	07/01/2014	95-2014
36-7-30-25.	Amended.	7.	07/01/2014	95-2014
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36-7-30.5-15.	Amended.	8.	07/01/2014	95-2014
36-7-30.5-30.	Amended.	9.	07/01/2014	95-2014
36-7-31.3-9.	Amended.	1.	03/25/2014	100-2014
36-7-31.3-9.7.	New.	2.	03/25/2014	100-2014
36-7-31.3-10.	Amended.	3.	03/25/2014	100-2014
36-7-31.3-21.	Amended.	4.	03/25/2014	100-2014
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36-8-16.7-32.	Amended.	7.	03/25/2014	107-2014
36-8-19-8.	Amended.	27.	07/01/2014	183-2014
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36-9-4-58.	Amended.	20.	07/01/2014	153-2014
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36-9-23-33.	Amended.	7.	07/01/2014	196-2014
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prepared by
OFFICE OF CODE REVISION
LEGISLATIVE SERVICES AGENCY
200 West Washington Street, Suite 301

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prepared by
OFFICE OF CODE REVISION
LEGISLATIVE SERVICES AGENCY
200 West Washington Street, Suite 301

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